



Work-Product

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01439

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be eligible to receive his Continuation Pay (CP) under the Blended Retirement System (BRS).

APPLICANT'S CONTENTIONS

On 17 Jan 24, 77 days before his 12-year Pay Date anniversary, he began the process to extend his enlistment in order to transfer his Post-9/11 GI Bill benefits to his dependent and to claim his BRS-CP. At the same time, he was also trying to process a retainability extension for an upcoming Permanent Change of Station (PCS). On 4 Mar 24, he signed the 48-month extension for the purpose of the GI Bill or Continuation Pay and his commander approved the extension on 6 Mar 24. He forwarded his extension request to his Military Personnel Flight (MPF) for final signature on 14 Mar 24, which was 20 days prior to his 12-year mark; however, due to a clerical error outside of his control, the MPF did not process the extension in time for him to claim his BRS-CP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Air Force master sergeant (E-7).

The Military Personnel Data System (MilPDS) reflects the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 3 Apr 12. Since he had less than 12 years of service as of 31 Dec 17, he was eligible to opt-in to the BRS and did so on 26 Jan 18. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his "Pay Date" (3 Apr 24) and he committed to a four-year military service obligation from the CP effective date. In addition, MilPDS shows the applicant's current Date of Separation (DOS) is 8 Feb 31.

On 4 Mar 24, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant extended his enlistment for a period of 48 months for the purpose of GI Bill or Continuation Pay and on 6 Mar 24 his commander approved the extension. On 9 Apr 24, the applicant's MPF approved the extension, which provided the applicant a new DOS of 8 Feb 31, giving him the retainability required for BRS-CP.

On 4 Apr 24, according to e-mail traffic from the applicant, he received notification from myFSS his BRS-CP application window closed and he was now ineligible for the program.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

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APPLICABLE AUTHORITY/GUIDANCE

General Blended Retirement System Guidance: Sections 631 through 635 of Public Law 114-92, the National Defense Authorization Act for Fiscal Year 2016, amended in Public Law 114-80, National Defense Authorization Act for Fiscal Year 2017.

On 27 January 2017, the Deputy Secretary of Defense implemented guidance for the newly created retirement system for the Uniformed Services, which was enacted in the 2016 National Defense Authorization Act for Fiscal Year 2016. This system, called the Blended Retirement System combines the traditional legacy retirement pension, also known as a defined benefit, with a defined contribution benefit into a Thrift Savings Plan. The Blended Retirement System went into effect on 1 January 2018.

Active component Service members with fewer than 12 years of service as of 31 December 2017, calculated from their Pay Entry Base Date [PEBD] (for the Air Force it is referred to as the “Pay Date”), and members of the National Guard or Reserve who have accrued fewer than 4,320 points as of 31 December 2017, are also grandfathered under the current retirement system but may choose to opt-in to the Blended Retirement System.

Guidance on Continuation Pay: In accordance with AFI 36-3012, *Military Entitlements*, Chapter 4, Continuation Pay and Personnel Services Delivery (PSD) Guide, Blended Retirement System (BRS) Continuation (CP) Execution, Organization, and Responsibilities:

Members of the Uniformed Services who are covered by the Blended Retirement System are eligible to receive a one-time, mid-career bonus payment in exchange for an agreement to perform additional obligated service. The amount is determined by applying a multiplier to the member’s monthly base pay. For RegAF Airmen, the multiplier is 2.5 and for ANG or AFR Airmen, the multiplier is 0.5.

Service members eligible to receive continuation pay must have completed not less than 8 and not more than 12 years of service, as computed from the members Pay Entry Base Date (otherwise referred to in the Air Force as the “Pay Date”). In addition, the member must complete the Statement of Understanding and Election (SOU), obtain their commander’s approval for Continuation Pay, and commit to a four year military service obligation. The election for Continuation Pay must be made prior to the member’s 12th year of service based on pay date but no earlier than 90 days in advance.

According to a myPers article, Blended Retirement System Continuation Pay, updated on 12 March 2021, “Airmen will be notified of their potential eligibility for BRS CP and receive a BRS CP Election SOU via myPers messaging starting approximately 90 days prior to the potential BRS CP effective date.” In addition, the Continuation Pay fact sheet pulled from myPers states that notification for Continuation Pay will start 60 days before a member’s 12th year of service and according to DAFI 36-3012, *Military Entitlements*, paragraph 2.4.3.4. AFPC will “notify Airmen and Guardians of their eligibility for continuation pay at least 60 days prior to the member’s 12-year pay date.”

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant’s “Pay Date” is 3 Apr 12 and he has a DOS of 8 Feb 28. Based on the applicant’s “Pay Date,” his

12-year anniversary date to make the election occurred on 3 Apr 24. On 17 Jan 24, the applicant was sent an initial e-mail via myFSS case *Work-Product* notifying him of his eligibility to elect BRS-CP, but no election was made. On 4 Apr 24 the case was closed, and the applicant was informed he was no longer eligible as his 12-year Pay Date anniversary had passed. Although the system only sent out the initial notification to the applicant and he obtained the required retainability for CP, he did not attempt to sign the Statement of Understanding (SOU).

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Jun 24 for comment (Exhibit D), and the applicant replied on 1 Jul 24. In his response, the applicant states he obtained a hardcopy version of his CP SOU, which has been signed by his commander. He further indicates he attached it to his myFSS case *Work-Product* and is awaiting on response from AFPC.

On 29 Jul 24, the applicant further responded with a memorandum for the Board and provides a detailed explanation that delayed his extension paperwork and the lack of communication from his MPF on the need to sign the SOU. With the response he includes the additional e-mail traffic confirming his attempts to follow the correct process, as well as a signed SOU approved by his commander on 1 Jul 24.

The applicant's complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DPMSSM, after further review, changed their recommendation to grant the applicant's request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Although the applicant did not sign the SOU on or before his 12-year Pay Date anniversary, the myFSS system only sent out the initial notification and failed to send out additional notifications every month until the applicant's 12-year Pay Date anniversary.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 6 Aug 24 for comment Exhibit G), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board notes the conflicting advisory opinions prepared in this case; however, after thoroughly reviewing this application, the Board concurs with the rationale and recommendation of AFPC/DPMSSM advisory opinion dated 5 Aug 24 and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the applicant only received a single e-mail notification regarding his eligibility for BRS-CP and the myFSS system failed to send any follow-up notifications. Furthermore, upon receiving notification of his eligibility for BRS-CP the

applicant immediately contacted his MPF to request a 48-month extension for the purpose of CP; however, due to administrative processing delays the applicant's extension was not approved by his MPF until after his 12-year Pay Date anniversary. As such, the Board finds that the applicant met the intent of the program and his failure to sign the SOU before his 12-year Pay Date anniversary should be regarded as a procedural defect only and not as evidence of an intent to abandon his request for CP. Given the applicant signed his extension paperwork prior to the BRS-CP cut-off date and currently has the retainability for CP, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 3 April 2024, the applicant submitted a timely and effective Blended Retirement System Continuation Pay Statement of Understanding and Election to accept Continuation Pay in accordance with Public Law 114-80; his election for Continuation Pay was accepted; and the applicant received a 48 month active duty service commitment in exchange for the approved Continuation Pay election.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-01439 in Executive Session on 10 Sept 24:

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All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 29 May 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Jun 24.
- Exhibit E: Applicant's Response, dated 1 Jul 24.
- Exhibit F: Advisory Opinion, AFPC/DPMSSM, dated 5 Aug 24.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Aug 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

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