



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01675

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

- 1) His retirement plan be changed from the Blended Retirement System (BRS) back to the traditional "High-3" System.
- 2) Alternatively, he receives the 5 percent Thrift Savings Program (TSP) automatic and matching contributions he would have received under the BRS since he entered the Air Force Reserve (AFR) in Aug 18.

APPLICANT'S CONTENTIONS

He originally made the election for the BRS in Jan 18 because he had just married an Army active-duty member, and their assignments were not lining up. The program was brand new and due to the uncertainty of his career; switching to the BRS seemed like the best decision at the time. In Aug 18, he separated from active duty and after a short break in service he joined the AFR. During that time, he received \$317.14 for Agency Automatic Contributions and \$1,268.50 in Agency Matching Contributions to his TSP.

During his inprocessing to the AFR he asked about the BRS and the Military Personnel Flight (MPF) referenced the *BRS: A Guide to the Uniformed Services Blended Retirement System*, which states "If you have a break in service, rejoin after the 2018 calendar year opt-in window and have fewer than 4,320 retirement points, you have 30 days to choose the BRS or remain in the legacy retirement system." The MPF interpreted it to mean he could choose to opt-in or let the 30-day window expire. As such, he did not opt-in and assumed he was back on the legacy retirement plan. This seemed to be confirmed when he did not receive any automatic or matching contributions to his TSP.

In Nov/Dec 21, he received a myPers notification that he was eligible for the BRS Continuation Pay (CP). As this surprised him, he contacted his Commander's Support Staff (CSS) who confirmed he was on the BRS. He has made a considerable number of attempts to correct his BRS CP, but to date, he has not received any of the BRS CP or BRS contributions since he joined the AFR in 2018. Therefore, since he has been unable to find out how to correct his BRS payments and it would be a considerable burden on the Air Force to do so, he would like to revert his retirement plan back to the legacy system. He is willing to pay back the \$317.14 for Agency Automatic Contributions and \$1,268.50 in Agency Matching Contributions to his TSP from the time he was on active duty.

The applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS

The applicant is a AFR lieutenant colonel (O-5).

On 2 Jan 18, the Military Personnel Data System (MilPDS) shows the applicant elected to opt into the BRS.

On 1 Aug 18, DD Form 214, *Certificate of Release or Discharge from Active Duty*, shows the applicant was honorably discharged from the Regular Air Force (RegAF) and completed a period of active-duty service from 1 Aug 10 through 1 Aug 18. He was credited with eight years and one day of active service.

On 6 Nov 19, AFBCMR Docket Number BC-2019-00929 shows the Board removed the applicant's break in service and directed he was not released from active duty on 1 Aug 18 but continued on active duty until 12 Aug 18.

On 13 Aug 18, the applicant was appointed to the AFR, under [REDACTED] *Work-Product*, dated 3 Jan 19.

On 27 Dec 19, the applicant was issued a DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, which changed his date of separation from 1 Aug 18 to 12 Aug 18 and therefore removed his break-in-service.

According to MilPDS, the applicant's pay date reflects 18 May 10 and under the BRS he was eligible for CP, provided his election was made prior to the 12th anniversary of his pay date (18 May 22).

On 21 Dec 21, according to "Continuation Pay Statement of Understanding and Election," the applicant elected to accept BRS CP and on 31 Dec 21, the applicant's commander approved the request.

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

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. Service members who enter the Uniformed Services on or after 1 January 2018 are automatically enrolled in the Blended Retirement System.

Active component Service members with 12 years (or more) of service prior to 31 December 2017, and National Guard and Reserve service members who have accrued more than 4,320 retirement

points as of 31 December 2017, are grandfathered under the legacy retirement system and their current retirement plan will not change.

Active component Service members with fewer than 12 years of service as of 31 December 2017, 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. Service members who chose to enroll had to affirm on the myPay website that they had completed the mandatory training and acknowledge that **the decision to enroll in the Blended Retirement System is irrevocable**. The opt-in window for most Airmen closed on 31 December 2018.

Break-in-Service

A member who, but for a break in service, would otherwise be eligible to elect to enroll in BRS and who returns to service with a Uniformed Service on or after 2 Dec 18, following a break in service that commenced prior to 1 Dec 18, may make an election to enroll in the BRS. For members returning to the AC or affiliating in a paid status with the RC after separating from the AC, within 30 days of reentry. For members returning to a paid status in the Reserve Component (RC) following a break in service in the RC may make an election 30 days from the date of reentry.

Thrift Savings Plan

(9) Carry-over of Individual TSP Elections. (a) A member covered under the BRS who separates from a component of the Uniformed Services, as defined by Section 211 of Title 37, U.S.C., and later re-affiliates with any component of a Uniformed Service, will be re-enrolled in TSP at an individual contribution of 3 percent of his or her monthly basic pay or 3 percent of inactive duty pay regardless of any previous contribution elections made prior to separation. (b) This auto enrollment of a re-entrant at a 3 percent individual contribution rate will occur no later than the first pay period following re-entry. (c) A member covered under BRS who re-enters service after a break in service and who previously qualified for the government 1 percent automatic contribution, under provisions outlined in paragraph 7.b.(5)(a) or 7.b.(6)(a), will resume receiving the government 1 percent automatic contribution into his or her TSP account no later than the first pay period after reentry. (d) A member covered under BRS who re-enters service after a break in service and who previously qualified for government matching contributions under provisions outlined in paragraph 7.b.(5)(c) or 7.b.(6)(c), will resume receiving agency matching contributions into his or her TSP account concurrent with re-enrollment.

(10) TSP Elections for Transitioning RC Members. Members of the RC covered under BRS are considered continuous participants in BRS while they remain in a paid status. Such members will not be re-enrolled at the automatic 3 percent individual contribution level each time they transition from a paid status in the Selected Reserve to active service or from active service back to a paid status in the Selected Reserve. Their previously elected TSP contribution levels will carry-over through transitions related to activation and deactivation, unless and until the member elects to modify their own contribution level.

A member enrolled in BRS by virtue of his or her accession into a Uniformed Service on or after January 1, 2018, will be automatically enrolled in TSP at the level of a 3 percent individual contribution from his or her monthly basic pay or inactive duty pay. This amount will be

Table 1: Automatic and Matching Contributions

Individual Contribution Rate of Basic Pay or Inactive Duty Pay	Government Automatic Contribution Rate of Basic Pay or Inactive Duty Pay	Government Matching Contribution Rate of Basic Pay or Inactive Duty Pay	Total Rate of TSP Monthly Contribution of Basic Pay or Inactive Duty Pay
0%	1%	0%	1%
1%	1%	1%	3%
2%	1%	2%	5%
3%	1%	3%	7%
4%	1%	3.5%	8.5%
5%	1%	4%	10%

contributed to his or her TSP account beginning with the first pay period following the member's 60th day of service as calculated from Pay Entry Base Date (PEBD).

Guidance on Continuation Pay: 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. 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 PEBD (otherwise referred to in the Air Force as the "Pay Date"). 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.

According to the BRS CP PSDG Guide: 1.3. After opting into the BRS through myPay, the member must complete the Statement of Understanding and Election (SOU) and obtain their commander's approval for BRS CP. The BRS CP election MUST be made prior to the member's 12th year of service based on pay date but no earlier than 90 days in advance. This is a by-law requirement; therefore, no exceptions will be granted.

AIR FORCE EVALUATION

AFRC/A1KK 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 joined the AFR in Aug 18, at Joint Base Pearl Harbor-Hickam. After the applicant reviewed the resource called, *BRS: A Guide to the Uniformed Services Blended Retirement System* during in-processing, he noted the reference on page seven, which states, "if you have a break in service, rejoin after the 2018 calendar year opt-in window and have fewer than 4,320 retirement points, you have 30 days to choose the BRS or remain in the legacy retirement system." He believes this statement is what entitles him to switch back to the legacy TSP retirement system. However, according to the same guide page 6, paragraph 2, "Decision timeline. If you're an opt-in-eligible active-duty, National Guard or Reserve Service member as of Dec. 31, 2017, you may choose to opt into the BRS or remain in the legacy system at any time during calendar year 2018. Your decision is irrevocable, which means once you make your decision, it is final." Additionally, the *BRS Eligibility and Opt-In Fact Sheet* provided by <https://militarypay.defense.gov> states, "Make a decision. If you're an eligible current service member you have an important decision to make between January 1 and December 31, 2018: You must decide whether to stay with your current retirement system or move to the new BRS. Once you make your choice, you won't be able to take it back, even if you change your mind before the Dec 31, 2018, deadline."

Since the applicant already decided to opt into the BRS, his decision renders him ineligible to switch back to the legacy system. Had the applicant separated from the service under the legacy TSP retirement system, had a break in service and then reentered the service, he would have been granted 30 days to decide if he wanted to remain in the legacy TSP retirement system or opt into the BRS.

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 10 Feb 25 for comment (Exhibit D), but has received no response.

The applicant's complete response is at Exhibit E.

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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFRC/A1KK and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds, the applicant made the irrevocable decision to opt-into the BRS, and the "Break-in-Service" guidance applies to those service members that were never given the option. Alternatively, the applicant has requested that he receive matching contributions for his TSP under the BRS program. The Board notes the applicant should have been automatically re-enrolled in TSP contributions when he entered the AFR. However, there is not an Air Force record that the Board can correct other than to show that he was in the BRS, but since his record already reflects the BRS then the matching contributions is a pay issue that needs to be addressed with DFAS. The Board therefore finds this portion of the request outside of their purview for correction. Finally, the Board notes the applicant applied for BRS-CP and it appears he signed the BRS-CP SOU prior to his 12-year anniversary date and his commander approved the request on 31 Dec 21. It is unclear whether the applicant received BRS-CP or why his request was not processed. As such, the Board recommends that the applicant first address the issue with his Wing Talent Management Consultant (WTMC). If his WTMC cannot submit the request for pay, then the Board would be willing to consider a request specifically for BRS-CP approval. Should the applicant reapply for BRS-CP, the applicant is encouraged to provide a letter from his WTMC as to why his CP was not approved or processed for pay. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2024-01675 in Executive Session on 11 Mar 25:

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All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 5 May 24.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFRC/A1KK, w/atchs, dated 7 Feb 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Feb 25.

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.

4/8/2025

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