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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01714

[REDACTED]

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

He intended to accept BRS-CP by his 12-year Pay Date anniversary of 6 May 24 but was unable to access myFSS due to a serious injury that required emergency medical care and left him largely incapacitated. He plans to continue serving an additional four years and has the required retainability. As such, he believes he should be allowed to opt into the BRS-CP program.

In support of his appeal, the applicant provides a medical record, dated 6 May 24 that indicates he was seen at the Baylor University Medical Center and diagnosed with an "Orbital floor (blow-out) closed fracture," "nasal bone fracture," and a "maxillary fracture."

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Air Force major (O-4).

The Military Personnel Data System (MilPDS) reflects the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 6 May 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 11 Sep 18. Furthermore, under the Blended Retirement System, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his "Pay Date" (6 May 24) and he committed to a four-year military service obligation from the CP effective date.

On 6 May 24, according to a "Baylor Scott & White After Visit Summary," provided by the applicant, he was seen at the Baylor University Medical Center and diagnosed with an "Orbital floor (blow-out) closed fracture," "nasal bone fracture," and a "maxillary fracture."

On 8 May 24, according to myFSS notification case Work-Product provided by the applicant, he was notified his BRS-CP application was denied, because he failed to acknowledge the notification, submit his BRS-CP Statement of Understanding (SOU), and did not obtain four years of retainability.

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 Jan 17, 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 Jan 18.

Active component Service members with fewer than 12 years of service as of 31 Dec 17, 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 Dec 17, 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 Mar 21, “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, 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 granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant’s “Pay Date” is 6 May 12 and he has a date of separation (DOS) of 8/8/3888. Based on the applicant’s “Pay Date,” his 12-year anniversary date to make the election occurred on 6 May 24. On 1 Mar 24, the applicant was sent an initial e-mail via myFSS case 03421766 notifying him of

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his eligibility to elect BRS-CP, but no election was made. On 7 May 24 the case was closed, and the applicant was informed he was no longer eligible as his 12-year "Pay Date" anniversary had passed. However, 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.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 7 Aug 24 for comment (Exhibit D), 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 concurs with the rationale and recommendation of AFPC/DPMSSM 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. In addition, the Board notes the program is still being introduced and there is confusion surrounding the opt-in procedures and requests for CP. Therefore, 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 6 May 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-2024-01714 in Executive Session on 10 Sept 24:

[REDACTED] AFBCMR
[REDACTED] Panel Member
[REDACTED] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, w/atchs, dated 5 Aug 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Aug 24.

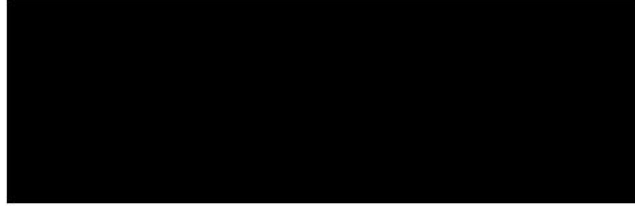
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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

10/4/2024



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