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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2024-01798

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

This correction must be made due to the injustice caused by the Air Forces' information system failure to provide weekly updates as outlined in their initial email. A one-time email does not adequately inform members the BRS-CP Statement of Understanding (SOU) window is open, especially when the window is less than 90 days. On 17 Jan 24, he received the initial response, which states he would receive weekly reminders until he selected a response, but he never received the reminders. He took no action as he was inadequately informed he needed to act quickly. When he received the second notification, he was told he was no longer eligible. Additionally, the email contained outdated links explaining how to protest, causing him to spend additional manhours discovering the correct process. An automated one-time email notification is an unsatisfactory notification timeframe, as life events or deployments could cause a member to miss a critical message such as this.

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 28 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 23 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" (28 Apr 24) and he committed to a four-year military service obligation from the CP effective date.

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.

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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 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 28 Apr 12 and he has a date of separation (DOS) of 8 Aug 3888. Based on the applicant’s “Pay Date,” his 12-year anniversary date to make the election occurred on 28 Apr 24. On 17 Jan 24, the applicant was sent an initial e-mail via myFSS case 03279903 notifying him of his eligibility to elect BRS-CP. On 29 Apr 24, the applicant elected CP and his commander approved the SOU on the same date. On 2 May 24, the AFPC BRS-CP team advised the applicant he was no longer eligible for CP because he failed to sign the SOU prior to his 12-year “Pay Date” anniversary. 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.

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 7 Jun 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 recognizes the program is still being introduced and there is confusion surrounding the opt-in procedures and requests for CP. As such, the applicant's failure to sign the SOU prior to his 12-year "Pay Date" anniversary should be regarded as a procedural defect only and should not preclude him from receiving the bonus. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 28 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-2024-01798 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 15 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 5 Jun 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 Jun 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.

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