



[REDACTED]

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER: BC-2024-02410**

[REDACTED]

**COUNSEL: NONE**

**HEARING REQUESTED: YES**

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**APPLICANT’S REQUEST**

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

**APPLICANT’S CONTENTIONS**

She transferred from active duty to ANG via the Palace Chase/Front program. In Mar 2023 she was notified of her eligibility for BRS CP and her last day to accept the bonus was around 16 May 24; however, at that time she was in the process of transferring from active duty to the ANG via the Palace Chase/Front program. In this regard, she applied for the program in Aug 2023 and received her Air Guard Reserve (AGR) position, but her separation from active duty wasn’t until 31 May 24. While she transferred to her ANG position with no break in service on 1 Jun 24, she was not able to commit to the military service obligation prior to her 12-year service date.

Furthermore, she was advised to wait until she transitioned into the ANG to accept the BRS CP because if she accepted while on active duty, she would have had to remain on active duty for an additional 4 years due to the Active Duty Service Commitment (ADSC) that she would have incurred. After she fully transitioned, she consulted with NGB/A1P about the program and her options, and she was referred to the AFBCMR.

The applicant’s complete submission is at Exhibit A.

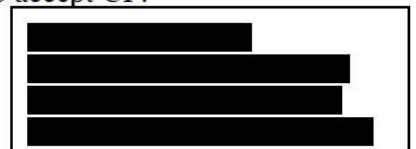
**STATEMENT OF FACTS**

The applicant is an Air National Guard (ANG) major (O-4), who had less than 12 years of service prior to 31 Dec 17. As such, she was grandfathered under the current retirement system but was eligible to opt-in to the BRS.

The Military Personnel Data System (MilPDS) shows on 4 Jan 18 the applicant elected to opt into the BRS. Furthermore, under the BRS, the applicant was eligible for CP, provided her election was made prior to the 12th anniversary of her pay date (18 May 24) and she obtained 48 months of retainability from the effective date.

On 5 Sep 23, according to AF IMT 1288, *Application for Ready Reserve Assignment*, the applicant applied via Palace Front to transfer from RegAF to the ANG for a NGB Statutory Tour assignment with an effective date of 1 Jun 24.

On 1 Mar 24, a myFSS e-mail, provided by the applicant shows that she was notified of her potential eligibility for BRS-CP. The e-mail indicated that her last date of eligibility is her 12-year pay date and that she must obtain a four-year service commitment in order to accept CP.



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On 31 May 24, DD Form 214, *Certificate of Uniformed Service*, shows the applicant was honorably discharged after completing a period of active duty service beginning on 15 Nov 12 and was transferred to the Maryland ANG. She was credited with 11 years, 6 months and 16 days of total active service.

On 1 Jun 24, according to Order Number [REDACTED] *Work-Product* dated 6 May 24, the applicant was ordered to extended active duty for the purpose of a Statutory Tour and was given a Date of Separation (DOS) of 31 May 28.

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 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 BRS 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 BRS 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 CP 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 SOU, obtain their commander's approval for CP, and commit to a four-year military service obligation. The election for CP 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

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effective date.” In addition, the CP fact sheet pulled from myPers states notification for CP will start 60 days before a member’s 12th year of service.

### **AIR FORCE EVALUATION**

NGB/AIPC, recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence to support an error occurred at no fault of the member. The applicant contends that she meets eligibility for BRS CP despite transitioning from RegAF to ANG since there was no break in service and no change to her Active Component (AC) status. Additionally, the applicant claims that differences in component processes and transition through the Palace Chase program resulted in her missing the window of eligibility to elect to receive the CP benefit as of their BRS CP effective date. DAFI 36-3012, *Military Entitlements* Chapter 4, provides eligibility criteria and considerations required before a member may elect to receive CP. The applicant was enrolled in BRS as of 4 Jan 18 and has a pay date of 18 May 12. The applicant met 12 years of service on 18 May 24.

On 1 Mar 24, the applicant was notified of her BRS CP election option via an automated AFPC notification. In accordance with DAFI 36-3012, para. 4.3.2.1., BRS CP eligibility and multiplier is based on the member’s status at the time they meet 12 years of service. With commander approval, members must ensure they are able to meet a 48-month military service obligation to receive the BRS CP benefit. However, at the time of election eligibility, the applicant would not have met the retainability requirements through RegAF due to the Palace Chase transfer to the ANG. In addition, DAFI 36-3211, *Military Separations*, Chapter 24, provides guidance on the Officer Palace Chase Program and suggests the intent of the Palace Chase program is to seamlessly transition a RegAF officer to the ANG. The applicant initiated a Palace Front action on AF 1288 and was approved for separation from RegAF on 7 May 24.

The applicant clearly indicated intent to join the ANG through the Palace Chase process which is known to take several months. During this transition time, the applicant’s BRS CP Effective Date occurred but the applicant would not have known how to submit the BRS CP SOU election in the ANG. Upon arriving at the new Permanent Duty Station (PDS), the applicant began to submit inquiries including an email dated 12 Jun 24. As such, NGB/AIPC believes the intent of the Palace Chase (seamless transition) and BRS CP (retention) programs support the applicant’s claim for BRS CP eligibility and, pending submission of a completed BRS CP package, the applicant appears to meet all eligibility requirements and should be given an opportunity to elect CP.

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 Sep 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 NGB/A1PP and finds a

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preponderance of the evidence substantiates the applicant's contentions. The Board notes there is limited guidance for service members who become eligible for BRS-CP but intend to transfer from one component to another. When the applicant was notified of her eligibility for CP she had already applied to transfer to the ANG via the Palace Front/Chase program and was unable to commit to a four year service commitment with the RegAF. Likewise, because she was still a member of the RegAF at the expiration of her BRS-CP window, she was unable to apply for CP with the ANG. The Board further notes that the purpose of CP is to retain our talented Airmen by offering a bonus in exchange for a service commitment; however, due to the limited guidance regarding those transferring components, the applicant was precluded from a CP benefit that she earned. Given that the applicant had no break-in-service and on 1 Jun 24, immediately following discharge from active duty, she entered into a four-year statutory tour where she continued to serve on active duty orders with the ANG, the Board finds she met the intent of the program. Based on the applicant's 12 year pay date anniversary of 18 May 24 and the fact that she obtained the required retainability, the Board believes she should be afforded the opportunity to elect CP. 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 18 May 2024, the applicant submitted a timely and effective Continuation Pay Statement of Understanding and Election to accept Continuation Pay in accordance with Public Law 114-80; her election for Continuation Pay was accepted; and the applicant received a 48-month military service obligation in exchange for the approved Blended Retirement System 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 1.5, considered Docket Number BC-2024-02410 in Executive Session on 19 Nov 24:

- [REDACTED], Panel Chair
- [REDACTED], Panel Member
- [REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Jul 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/AIPC, w/atc, dated 29 Aug 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 Sep 24.



Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.11.9.

