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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02959

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He was not notified of his eligibility for BRS CP prior to the anniversary of his 12-year pay date.

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 fewer than 4,320 points as of 31 Dec 17. As such, he was grandfathered under the current retirement system but was eligible to opt-in to the BRS.

The Military Personnel Data System (MilPDS) shows on 2 Jan 18, the applicant elected to opt into the BRS. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his pay date (23 May 24) and he obtained 48 months of retainability from the effective date.

On 16 Aug 24, according to "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested CP and on that same date his commander approved his request; however, the request was not processed prior to the anniversary of his 12th year from his pay date.

On 20 Aug 24, a memorandum provided by the applicant and signed by his Force Support Squadron (FSS) POC confirms the applicant was eligible to apply for CP but was not notified by the unit.

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.

AFBCMR Docket Number BC-2024-02959

Work-Product

Work-Product

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

AIR FORCE EVALUATION

NGB/A1P, 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 applicant. The applicant contends his FSS did not provide notification of eligibility for BRS CP. 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 2 Jan 18 and has a pay date of 23 May 12. The applicant met 12 years of service on 23 May 24. As such, the applicant should have been notified of his BRS CP election option as early as Nov 23 with instructions to submit a BRS CP SOU. With commander approval, members must ensure they are able to meet a 48-month military service obligation to receive the BRS CP benefit. At the time of election eligibility, the applicant would have met the retainability requirements. Had the applicant been notified according to the prescribed timeline, all eligibility requirements to receive the BRS CP benefit could have been met.

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 16 Oct 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/A1P and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the applicant never received the notifications to submit his application for CP in accordance with AFI 36-3012, *Military Entitlements* and the *Blended Retirement System Continuation Pay Personnel Service Deliver Guide (PSDG)*. 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 23 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; his election for Continuation Pay was accepted; and he 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 2.1, considered Docket Number BC-2024-02959 in Executive Session on 11 Feb 25:

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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 20 Aug 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 4 Oct 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 16 Oct 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.

3/31/2025

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AFBCMR Docket Number BC-2024-02959

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