

IN THE CASE OF: ██████████

BOARD DATE: 21 March 2024

DOCKET NUMBER: AR20220009925

APPLICANT REQUESTS: Correction of her records to show she is authorized Blended Retirement System Continuation Pay (BRS CP).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- E-mail related to the processing of the applicant's bonus (38 pages)

FACTS:

1. The applicant states there was an administrative error (through no fault of hers) that caused her packet to be signed and submitted to the National Guard Bureau 6 months after she had signed the document. The packet was signed by her on 23 December 2021, then by the certifying official on 8 December 2021. The next signature should have been the approval authority, but somehow the document did not get signed by the approval authority until 13 June 2022. The document should have been signed prior to 6 February 2022 in order for her to be able to receive her BRS CP. She followed up with the NCO at the education office, and the NCO that helped her do the application regularly, only for the NCO at the education office to tell her that it was at NGB "processing"; eventually she requested a status from their supervisor only to find out that it had not been signed by the approval authority. She then had to go back 6 months into her emails to find the document that had been signed and sent to the education NCO and resend it to them so that they could send it to the approval authority.

2. The applicant enlisted in the Army National Guard on 6 February 2010. She extended her enlistment on multiple occasions and continues to serve.

3. The applicant provided 38 pages of emails showing her actions and the processing of her request for the blended bonus.

4. On 8 February 2024, the Arkansas Army National Guard – Education & Incentives Branch provided an advisory opinion recommending approval of the applicant's request based on their confirmation of the administrative errors that led to her originally timely

application to be approved after she had completed her 12th year of service, thereby making her ineligible for BRS CP through no fault of her own.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board found the confirmed administrative error that occurred in the applicant's case is a basis for full relief. The Board determined her record should be corrected to show her request for BRS CP was approved prior to 6 February 2022 and she should be paid BRS CP.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected to show her request for BRS CP was approved prior to 6 February 2022. The individual concerned should be paid BRS CP as a result of this correction.

X	█

CHAIRPERSON	
█	

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Department of Defense Financial Management Regulation (DODFMR), Volume 7B states pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, as amended by the NDAA FY 2017, the DOD established the modernized retirement system, commonly known as the BRS. The BRS is the retired pay system for all Service members who entered military service on or after 1 January 2018. All members serving as of 31 December 2017 were grandfathered under the applicable legacy retirement system. The law permits active duty Service members with less than 12 years of service, or Service members in the Reserve Component who were in a paid status and accrued less than 4,320 retirement points as of 31 December 2017, the option of electing to be covered under the BRS or to remain with their applicable legacy retirement system. The law provides a one year election period for those Service members eligible to opt into the BRS from 1 January 2018 and ends on 31 December 2018. The decision to opt into the BRS is irrevocable.

//NOTHING FOLLOWS//