



three retirement system, which was originally in place. He was not aware of the BRS plan on his LES until now.

3. The applicant's service record contains the following documents for the Board's consideration:

a. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) which show the applicant enlisted/reenlisted in the U.S. Army Reserve (USAR) on:

- 25 September 2012, for a period of 6 years
- 27 November 2018, for a period of 6 years

b. DA Forms 4836 (Oath of Extension of Enlistment or Reenlistment) show the applicant extended his enlistment on:

- 11 June 2016, for a period of 1 year
- 2 November 2022, for a period of 2 months

c. The applicant's service record was void of information regarding the BRS or showing he opted into the BRS.

4. The applicant provides his LES from 1-31 October 2022, for the Board's consideration. It shows the applicant is in the BRS. It does not indicate the date the applicant opted into BRS.

5. On 2 May 2023, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion for the Board's consideration, which states in effect:

a. After careful review, G-1 does not support the applicant's request for removal from the BRS.

b. The applicant admits to successfully opting into BRS via myPay; Human Resources Command's data base shows the applicant opted into BRS on 1 January 2018.

c. Pursuant to the Office of the Secretary of Defense, memorandum (Implementation of the BRS), dated 27 January 2017, "the decision to enroll in the BRS is irrecoverable." The Department of Defense and the Department of the Army published clear instructions regarding the eligibility and made all servicemembers aware of the irrecoverable nature, when electing into the BRS.

d. On 1 January 2018, eligible Soldiers were given access to the BRS line on myPay to enroll in the BRS. Prior to the beginning of the BRS enrollment, DFAS moved the LES link on myPay and replaced it with the BRS opt-in line.

3. On 2 May 2023, the applicant was provided the advisory opinion to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant admitted to successfully opting into BRS via myPay, and, as such, would have known that the election was irrecoverable. There is no evidence that he did not understand Department of Defense or the Department of the Army instructions regarding the eligibility nor does he provide any on his own behalf. Based on the preponderance of documentation available for review, the Board determined the evidence presented insufficient as a basis to warrant a recommendation for relief.



REFERENCES:

1. Title 10, USC, 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. All Army Activity Message Number 028/2018 states, effective 1 January 2018, eligible Soldiers who completed the mandatory training were eligible to enroll in the BRS. The Department of Defense policy is that this informed decision by a Soldier eligible to enroll in the BRS is irrevocable. Several Soldiers from all components have notified their respective component and the Army G-1 of their unintentional enrollment in the BRS.

//NOTHING FOLLOWS//