

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 June 2024

DOCKET NUMBER: AR20230001761

APPLICANT REQUESTS: record correction to reflect eligibility to receive Blended Retirement System (BRS) Continuation Pay (CP) pursuant to the opt-in.

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

- DD Form 149 (Application for Correction of Military Record)
- Thrift Savings Plan (TSP) statement, 30 September 2020
- Army Element Joint Force Headquarters information
- Request for Continuation Pay (Blended Retirement System), 13 January 2021

FACTS:

1. The applicant states in pertinent part that he was made aware of the BRS CP in October 2020. Upon notification and prior to the deadline, he completed the required documentation per the direction of his State Benefit Coordinator. However, his request was denied due to a system related error delaying the uploading of his documents until after the deadline.

2. A review of the applicant's available service records reflects the following:

a. On 13 February 2009, the applicant enlisted in the Army National Guard (ARNG). His Pay Entry Basic Date (PEBD) is established as 13 February 2009.

b. On 9 May 2014, the applicant was appointed a Reserve commission.

c. On 6 November 2019, the National Guard Bureau issued Special Orders Number 321 AR announcing Federal recognition of the applicant's promotion to captain (CPT)/O-3, effective 11 October 2019.

d. On 13 February 2021, the applicant completed 12 years of service.

3. The applicant provides the following a:

a. TSP statement, dated 30 September 2020, reflective of the applicant's contributions and earnings under the TSP.

b. Army Element Joint Force Headquarters information reflective of a chronological account of transactions related to the applicant's request for BRS CP. The applicant was advised that he had until 14 January 2021 to submit his request; request submitted on 13 January 2021, but documents were not uploaded.

c. Request for Continuation Pay (Blended Retirement System), dated 13 January 2021, reflective of the applicant's request for BRS CP at a rate of 4 times his monthly basic pay. The applicant agreed to 4 years of additional obligated service. This document reflects endorsement by the certifying official and the approval authority.

4. On 27 April 2023, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion recommending approval of the applicant's request. Referencing Title 37, United States Code, Section 356 (Continuation Pay: full TSP members with 8 to 12 years of service); Department of Defense Memo, 27 January 2017 (Implementation of the Blended Retirement System); and Assistant Secretary of the Army (Manpower & Reserve Affairs) (ASA(M&RA)) Memorandum (BRS CP – Calendar Year 2019 (CY19)), 18 December 2018, the advisory official stated after careful review, this office supports the applicant's request for correction of the military record and payment of CP request based on the date the applicant would have otherwise been qualified based on the pay grade held on 13 January 2020. The payment should be based on the pay grade of O3 with 10 years of service from the 2019 pay scale ($\$6832.80 \times 4.0 = \$27,331.20$ gross entitlement). The applicant elected to be paid two equal payments.

5. On 6 May 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 23 August 2023, the applicant had not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's PEBD is 13 February 2009. He reached his 12th year of service on 13 February 2021. He provides a Request for CP- BRS, 13 January 2021, reflective of his request for BRS CP at a rate of 4 times his monthly basic pay. He agreed to 4 years of additional obligated service and his request is endorsed by the certifying official and the approval authority. The Board reviewed and agreed with the Army G-1 advisory official finding that the applicant's request for correction and payment of CP request based on the date he would have otherwise been qualified is supported. As such, the Board

agreed that relief is warranted based on pay grade of O-3 he held on 13 January 2020, with 10 years of service from the 2019 pay scale, to be paid in two equal payments.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 by:

- showing the applicant timely submitted his Request for CP-BRS before reaching his 12th year of service
- showing the appropriate office timely received and processed his approved request for CP BRS
- paying the applicant based on the appropriate pay grade (O-3 with 10 years of service from the 2019 pay scale, in two equal payments, less applicable federal and state taxes (DFAS determines the exact amount)

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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.

REFERENCE:

Title 37 United States Code (USC), section 356 (Continuation Pay) provides:

a. The Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service. Enters into an agreement with the Secretary to serve for not less than three additional years of obligated service. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

b. Payment Amount—the Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a Reserve Component, if the member is performing AGR duty (as defined in Title 10, USC, section 101(d)(6)), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a Reserve Component not performing AGR duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a Regular Component. The maximum amount the Secretary concerned may pay a member under this section is—

- in the case of a member of a Regular Component—the monthly basic pay of the member at 12 years of service multiplied by 2.5
- in the case of a member of a Reserve Component—the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a Regular Component multiplied by 0.5

//NOTHING FOLLOWS//