

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230003723

APPLICANT REQUESTS: an exception to policy pertaining to the "maximum 12- years' Time In-Service (TIS) opt-in restriction" for entitlement to Continuation Pay (CP) under the Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- Request for CP (BRS), 18 September 2022
- DA Form 4856 (Developmental Counseling Form), 18 September 2022
- Leave and Earnings Statement (LES), 23 September 2022

FACTS:

1. The applicant states in pertinent part that his request for CP was not processed within the eligibility window due to system updates. However, he contests that he submitted the required request prior to exceeding the maximum TIS.
2. A review of the applicant's available service records reflects the following:
 - a. On 25 September 2009, the applicant enlisted in the Army National Guard (ARNG) for 8 years. He extended his enlistment by 6 years each on 8 March 2015 and on 24 November 2020.
 - b. On 25 September 2021, the applicant completed 12 years of service based on his Pay Entry Basic Date (PEBD).
3. The applicant provides the following a:
 - a. Request for CP (BRS) dated 18 September 2022, 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 in the ARNG. The applicant's PEBD reflects 25 September 2009. This document is not endorsed by the certifying official or the approval authority

b. DA Form 4856 dated 18 September 2022, reflective of the applicant being counseled by his Retention Noncommissioned Officer concerning his request for CP BRS. The applicant was advised that he must request this entitlement no later than 30 days prior to completing his 12th year of service.

c. LES dated 23 September 2022, reflective of the applicant's pay and entitlements for the month of September 2022.

4. A review of the applicant's DA Form 2-1 (Personnel Qualification Record) reflects a PEBD of 25 September 2009.

5. On 17 August 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 not in support of the applicant's requested relief noting that he submitted an incorrect CP application form. The correct form should be a calendar year (CY) 2021 CP application rather than a CY2022 application. Additionally, the form is required to be signed by the certifying and approving official. The applicant's requested relief may be reconsidered if he completes the appropriate CY2021 application.

6. On 18 August 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 27 December 2023, the applicant has 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant's LEBD is 25 September 2021. He completed 12 years of service based on his PEBD. He provides a Request for CP (BRS) dated 18 September 2022, reflective of his request for BRS CP at a rate of 4 times his monthly basic pay and agreement to serve 4 years of additional obligated service in the ARNG. This document is not endorsed by the certifying official or the approval authority. The Board reviewed and agreed with the advisory official's finding that the applicant not only submitted an incorrect CP application form (the correct form should be CY21 rather than CY22 application), but also the form he submitted is not signed by the certifying and approving official. Based on the evidence, the Board determined relief is not warranted. However, the applicant is advised that if he can provide the correct form with the correct signatures, he may resubmit his application to this Board for consideration.

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//