

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230004018

APPLICANT REQUESTS: payment of 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)

FACTS:

1. The applicant states, he was assigned to the 35th Corps Signal Brigade (CSB) from 2019 to 2022. He submitted his BRS CP paperwork before his 12-year mark in June of 2021. He joined the Army in March of 2010. Due to the relocation of the 35th CSB, paperwork was misplaced. He submitted documents for BRS CP, and it was misplaced by the S-1. Due to the documents not being properly processed, he is no longer eligible for this entitlement.

2. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) dated 20 November 2009 shows the applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) for a period of 8 years. On 9 March 2010, the applicant was discharged from the USAR DEP and entered active duty for a period of 3 years and 30 weeks.

b. DD Forms 4 show the applicant reenlisted in the Regular Army on:

- 13 February 2013, for a period of 3 years
- 5 March 2015, for a period of 5 years
- 27 August 2018, for a period of 6 years
- 25 February 2022, indefinitely

c. Orders Number 48-7, published by the U.S. Army Human Resources Command (AHRC), dated 12 February 2022, promoted the applicant to the rank/grade of master sergeant (MSG)/E-8, effective on with a date of rank of 1 March 2022.

d. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant entered active duty on 9 March 2010 and was honorably released from active duty and transferred to the USAR Control Group (Individual Ready Reserve) on 1 February 2023. He completed 12 years, 10 months, and 29 days of active duty service. He was discharged to accept a commission or warrant in the Army.

e. Orders Number 0003962270.00, published by the Department of the Army, dated 2 February 2023 shows the applicant was rehired in the Army in the rank/grade of second lieutenant (2LT)/O-1, effective 2 February 2023.

f. Orders Number 0223-040-OC09-39, published by AHRC, dated 9 February 2023, appointed the applicant in the rank of 2LT in the Regular Army of the United States, effective 2 February 2023.

g. The applicant's service record was void of a request for BRS CP.

3. On 3 October 2023, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion, which states after careful review of the information provided, G-1 does not support the applicant's request due to non-receipt of a signed and certified calendar year 2022 CP application. Supporting documentation, properly completed would indicate the authorized multiplier and compliance with the additional service obligation requirement for calendar year 2022. It is mandatory that the application have the commander's and certifying official's signature indicating the CP application has been verified as proper and approved for payment.

4. On 13 October 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. The applicant 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 considered the terms and conditions of eligibility for Blended Retirement System Continuation Pay. The Board noted that documentation available for consideration by the Board does not reflect a signed and certified calendar year 2022 CP application and none was provided by the applicant for consideration of his request. After due consideration of the applicant's request, the Board determined the evidence presented did not meet the burden of proof in determining an error or injustice and a recommendation for relief is not warranted.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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.

REFERENCES:

1. Title 37, United States Code, section 356 (Continuation Pay: Full Thrift Savings Plan members with 8 to 12 years of service) and Public Law 114-328 states:

a. To be eligible for CP an individual must have completed not less than 8 but not more than 12 years of service and enter into an agreement to serve not less than 3 additional years of obligated service. It further states:

b. 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 regular component or a reserve component, if the member is performing Active Guard/Reserve duty (as defined in section 101(d)(6) of Title 10), 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 active Guard or Reserve 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; plus at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months (not to exceed 13 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a); and 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; plus at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

2. Army Regulation 637-1 (Army Compensation and Entitlements Policy), states Commanders or designated representatives will:

a. Verify Soldiers requesting CP elected BRS.

b. Assist Soldiers in completing the CP contract and acquiring the appropriate approval prior to a Soldier's 8th to 12th year of service as computed from the pay entry basic date (based on year's criteria). Current law does not allow for the acceptance of a CP contract beyond the 12th year of service.

c. Identify and ensure Soldiers eligible for CP submit their requests within the established timelines.

//NOTHING FOLLOWS//