

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 February 2024

DOCKET NUMBER: AR20230004593

APPLICANT REQUESTS: in effect, correction of his record to show he submitted a timely request for Blended Retirement System (BRS) Continuation Pay (CP).

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

- ACTS Online Application in lieu of DD Form 149 (Application for Correction of Military Record), 5 April 2023
- Officer Record Brief (ORB)

FACTS:

1. The applicant states, in effect:

a. He received guidance from analysts for the Office of the Deputy Chief of Staff, G-1 to apply for a correction to his records to receive his BRS CP because he did not opt in at his 12-year mark in May 2022.

b. At this time there is no exception to policy because CP is based on law not policy, therefore HQDA, G-1 cannot grant an exception.

c. He completed BRS in November 2017 on the Army Joint Knowledge Online website. Since completing the training, he deployed two times and conducted three permanent changes of stations while serving in three different units. Since completing the mandatory online training and while preparing for an impending deployment to Afghanistan, the topic of BRS CP was not socialized in any of the three units he served in.

d. A student at the Command and General Staff Officers course told him the window to apply for CP had closed in May 2022 while he was preparing to PCS to Fort Leavenworth, Kansas.

2. A review of the applicant's service records shows:

a. He is presently on active duty and assigned to a unit in Fort Liberty, NC.

b. On 9 January 2008, he enlisted in the U.S. Army Reserve for 8 years beginning in pay grade Cadet. In connection with this enlistment, he completed a DA Form 597-3 (Army Senior Reserve Officers' Training Corps (ROTC) Scholarship Cadet Contract), dated 8 January 2008.

c. On 7 August 2009, he took his oath of office and was appointed a second lieutenant as a Reserve Commissioned Officer.

d. His ORB shows:

- his Basic Active Service Date was 8 May 2010
- his Pay Entry Base Date was 8 May 2010
- on 6 August 2011, he was promoted to first lieutenant
- on 1 February 2014, he was promoted to captain
- on 1 November 2020, he was promoted to major
- he served in Afghanistan:
  - from 17 May 2011 to 2 April 2012 for 11 months
  - from 14 August 2014 to 20 November 2016 for 3 months
  - from 22 February 2018 to 20 June 2018 for 4 months

3. On 29 September 2023, and in response to the applicant's issues, the Director, Case Management Division, Army Review Boards Agency requested an advisory opinion from the Compensation and Entitlements Division, Assistant Secretary of the Army, G-1, Headquarters Department of the Army.

4. On 8 September 2023, Compensation and Entitlements Division, Assistant Secretary of the Army, G-1, provided ARBA an advisory opinion. It reads, in part:

a. After careful review of the information provided, this office does not support the applicant's request due to non-receipt of a CP application.

b. Supporting documentation, properly completed, would indicate the authorized multiplier and compliance with the additional service obligation requirement for calendar year 2022 (CY22). Furthermore, it is mandatory that the application have the commander's and certifying official's signature indicating the CP application has been verified as being proper and approved for payment.

c. The applicant's claim will be reconsidered upon submission of a completed CP application for CY22 in accordance with Assistance Secretary of the Army (Manpower and Reserve Affairs) memorandum BRS CP CY 22, 27 January 2022.

5. On 12 September 2023, the applicant was provided a copy of the Office of the Deputy Chief of Staff, G-1 advisory response memorandum to give him an opportunity to submit a response/rebuttal. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.

2. A majority of the Board found that, given the applicant’s assignment history, his statements regarding his lack of knowledge of the requirements for BRS CP are credible. After reviewing the advisory opinion, a majority of the Board determined it would be appropriate to afford the applicant the opportunity to submit a properly completed BRS CP application and to show the application was received prior to his completion of 12 years of service. Once the application is received and verified, the applicant should be paid any monies he is due as a result of this correction.

3. The member in the minority concurred with the advisory official’s conclusion that the evidence does not support relief. In the absence of a properly completed BRS CP application, the member in the minority could not the applicant’s eligibility for BRS CP and determined relief should be denied.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	:	■	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 records of the individual concerned be corrected by affording the applicant the opportunity to submit a properly completed BRS CP application and to show the application was received prior to his completion of 12 years of service. Once the application is received and verified, the applicant should be paid any monies he is due as a result of this correction.

5/6/2024

X [REDACTED]

---

CHAIRPERSON  
[REDACTED]

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 256 (Continuation Pay: Full Thrift Savings Plan members with 8 to 12 years of service) and Public Law 114-328 states that 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.
2. Assistant Secretary of the Army (Manpower and Reserve Affairs) memorandum BRS CP CY22, dated 17 January 2022, established eligibility, amounts, and additional service obligation for CP in CY22. It was effective in January 2022 and expired on 31 December 2022. It applied to Regular Army, Army National Guard/Army National Guard of the United States, and United States Army Reserve Soldiers who were covered under the BRS. It provided instructions for application and approval for BRS CP for CY22.
  - a. All Soldiers may submit their CP request once they become eligible for CP based on meeting eligibility criteria. Soldiers must sign their CP request on or before the start of their 12th year of service based on PEBD.

b. Payments are not payable until BRS opt-in can be verified and the CP is approved.

//NOTHING FOLLOWS//