

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230007801

APPLICANT REQUESTS: correction of her record to show she is eligible to be paid Continuation Pay (CP) 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)
- DD Form 577 (Appointment/Termination Record – Authorized Signature)
- Leave and Earnings Statement (LES)
- U.S. Army Reserve (USAR) Form 22-R (Adjustment Certification Worksheet)
- DA Form 4856 (Developmental Counseling Form)
- Personnel Action Packet Checklist for Request for CP BRS

FACTS:

1. The applicant states in effect, due to an administrative error and misleading guidance provided to her, she was not aware of the timeframe or the fact she personally needed to request CP BRS. As these issues are now rectified, she is requesting her payment.

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

a. On 15 March 2011, the applicant enlisted in the USAR for an Expiration Term of Service (ETS) of 14 March 2019. Her Pay Entry Basic Date (PEBD) was established as 15 March 2011.

b. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty for training on 28 June 2011. She was honorably released from active duty on 10 November 2011. It also shows the applicant completed 4 months and 13 days of active service.

c. On 23 March 2017, Orders Number 17-082-00063, issued by Headquarters, U.S. Army Reserve Command, assigned the applicant to the USAR Control Group (Annual Training), effective 22 April 2017.

d. On 8 May 2017, Orders Number C-05-706368, issued by the U.S. Army Human Resources Command, assigned the applicant to a USAR Troop Program Unit, effective 4 May 2017. The order shows the applicant's ETS as 14 March 2019.

e. On 17 May 2018, the applicant reenlisted in the USAR for a 6-year service obligation.

f. DD Form 214 shows the applicant was ordered to Active Duty for Operational Support – Reserve Component (ADOS-RC), effective 19 March 2018. She was honorably released from active duty on 16 July 2018 after serving 3-months and 29-days of active service.

g. On 18 May 2020, the applicant requested a name change from A- K- to A- S-.

h. DD Form 214 shows the applicant was ordered to ADOS-RC, effective 7 October 2019 and she was honorably released from active duty on 31 August 2020 after serving 10 months and 24 days of active service.

i. On 14 March 2021, the applicant completed 10-years of service.

j. On 14 March 2023, the applicant completed 12-years of service.

k. On 2 December 2023, the applicant extended her enlistment for 3-years which gave her a new ETS of 14 March 2028.

3. The applicant provides:

a. Request form for CP BRS which shows the applicant requested on 26 May 2023 to be paid CP BRS CP at 4 times her monthly basic pay and agreed to the additional obligated service of 4-years. The document also shows the applicant's Pay Entry Basic Date (PEBD) is 15 March 2011. The certifying official Mr. W- B-, Army Reserve Administrator certified her eligibility on 30 May 2023 and her commander approved her request on 5 June 2023. The form is void of a bonus control number.

b. DD Form 577 showing the commander, M- R- appointed Mr. W- B- as a certifying officer for CP BRS on 5 June 2023. However, the DD Form 577 shows Mr. W- B- did not acknowledge the appointment.

c. LES dated 19 May 2023, shows the applicant's pay date is 15 March 2011 and she completed 12 years of service at that time. Her selection for a retirement plan is blank.

d. USAR Form 22-R shows the applicant requested an adjustment to her pay for the processing of her request for CP BRS.

e. DA Form 4856 shows the applicant was counseled by her commander on 17 May 2023 of her eligibility for CP BRS, the points of the discussion was to certify that the applicant:

- elected to participate in BRS
- was a member of the Selected Reserve a status for eligibility for basic pay
- elect she requested CP BRS and agreed to serve an additional 4-years
- request for CP BRS must be approved prior to completing 12-years of service based on her PEBD

4. On 25 October 2023, in the processing of this case, the Office of the Deputy Chief of Staff G-1, provided an advisory opinion regarding the applicant's request for the correction of her records to reflect her eligibility for CP BRS. The advisory official stated after review of the applicant's documents and her service record, they could not support her request for CP BRS. This was due to her inability to meet the 4-year additional service obligation requirement effective the date she requested CP BRS of 26 May 2023. At the time of her request for CP BRS her ETS was 14 March 2025. The applicant's claim will be reconsidered if reenlistment or extension documentation is provided which supports the 4-year additional service obligation requirement.

5. On 1 October 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. She 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant reached her 12th year of service on 15 March 2023. The applicant's CP-BRS submission was submitted on 26 March 2023, after her 12th year. Additionally, it does not contain a control number and the applicant did not indicate she was able to meet the 4-year additional service obligation requirement effective the date she requested CP BRS of 26 May 2023. Since the applicant had not satisfied the requirements for such enrollment, the Board agreed with the advisory official's finding that relief is not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full Thrift Savings Plan (TSP) Member with 12-Years of Service), (a) CP, the Secretary concerned shall make a payment of CP to each full TSP member of the uniformed services under the jurisdiction of the Secretary who:

- completes 12 years of service; and
- enters into an agreement with the Secretary to serve for an additional 4-years of obligated service

a. Amount, the amount of CP payable to a full TSP member under subsection (a) shall be the amount that is equal to 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)

b. Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

2. Title 37, United States Code, section 356 (CP) states:

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 Active Guard/Reserve 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.

c. 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.

3. Deputy Secretary of Defense Memorandum dated 27 January 2017, Subject: Implementation of the BRS, implements guidance for the BRS for the Uniformed Services, which was authorized in Public Law 114-92 section 631 through 635 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016. Members of the Uniformed Service are covered under the provisions of the BRS who served in a Uniformed Service for fewer than 12-years as calculated from their PEBD.

4. Army Regulation 637-1 (Army Compensation and Entitlements Policy), provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum

of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

//NOTHING FOLLOWS//