

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2024

DOCKET NUMBER: AR20230009127

APPLICANT REQUESTS: Exception to Policy (ETP) for 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) (online)
- Signature Page (duplicate)
- Leave and Earning Statement (LES)
- Memorandum, Subject: BRS-CP-Calendar Year (CY) 2023

FACTS:

1. The applicant states:

a. He requests to receive the CP Bonus for Soldiers in BRS even though he is slightly over 12 years of service. He has attached the Fiscal Year (FY) 2023 policy regarding the CP Bonus. He recently attended an HRQC school at Fort Jackson, SC to receive a military occupational specialty (MOS) 42 and qualification. He was there from 7 May 2023 until 19 May 2023. While there, he learned that Soldiers in other states have applied for and received this CP Bonus.

b. He researched to see if he is eligible. He meets all the criteria except that he is at 12 years, 10 months of service and the application for this bonus has to be submitted before the Soldier hits 12 years of service. Upon returning from HRQC school, he spoke to his unit about this, and no one was tracking this Continuation Pay bonus. He worked with his Readiness noncommissioned officer (NCO) who submitted him for this bonus in GIMS (our bonus system). He started reaching out to the state incentives Chief regarding this issue and found out that he is no longer eligible per policy.

c. He opted into BRS in 2018 while going through a mobilization for a deployment. He remembers doing research on traditional retirement vs. blended retirement, but he remembers very little beyond that. He has always served the [REDACTED] Army National Guard ([REDACTED] ARNG) well. He states he can provide names and contact information for his recent commanders and supervisors to attest to his character. The applicant is a stand-up guy

who has always served the Army to the best of his ability sacrificing time away from home and volunteering for missions when needed. He has always served the ARNG to the best of his ability, and you will see that in his evaluations as well.

d. He feels it is not right that because he found out about this CP Bonus 10 months late, he should not be able to receive this and incur a 4-year obligation. Should the board grant him this, he agrees to incur a 4-year obligation. If there is anything additional, he can provide, please let him know.

2. The applicant provides:

a. An LES, 15 June 2023 shows 12 years of service and no information regarding retirement plan.

b. Memorandum, Subject: BRS-CP CY 2023 shows information regarding the BRS-CP.

3. The applicant's records show the following information:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows the applicant enlisted in the ARNG on 9 July 2010.

b. The applicant entered active duty on 7 July 2011. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably released from active duty for training on 2 September 2011 and transferred to the [REDACTED] ARNG. He completed 1 month and 26 days of net active service.

c. Orders 136-832 show the applicant was honorably discharged from the ARNG on 9 May 2012.

d. DA Form 71 (Oath of Office-Military Personnel) shows the applicant was appointed to the U.S. Army Reserve (USAR) on 10 May 2012 in the rank of second lieutenant/2LT.

e. Orders 109-750, 19 April 2017 show the applicant was appointed in the ARNG in the rank of first lieutenant/1LT.

f. The applicant entered active duty on 4 April 2018. His DD Form 214 shows he was honorably released from active duty on 8 May 2019 and transferred to the [REDACTED] ARNG. He completed 1 year, 1 month and 5 days of net active service.

g. The ARNG Current Annual Statement, prepared 9 July 2024 shows the applicant has 13 years creditable service for retirement pay.

h. The applicant is currently serving in the Active ARNG.

i. The applicant's available service record is void of a Request for BRS-CP.

4. In the processing of this case an advisory opinion was obtained on 26 April 2024 from the Chief, Special Actions Branch, National Guard Bureau, who opined in pertinent part:

(1) Recommendation: Approval.

(2) Discussion.

a. The applicant, states he attended an HRQC school at Fort Jackson, South Carolina to become 42 qualified from 7 May 2023 to 19 May 2023. While in school service member learned about enrollment eligibility for the BRS-CP.

b. The applicant researched the eligibility requirement and found all criteria was met except he exceeded the 12-year time in service; he had 12 years, 10 months of service. After completion of school, the service member inquired about the BRS-CP, but no one had any knowledge to offer. He worked with the unit Readiness NCO and was submitted for the bonus in GIMS.

c. The applicant reached out to the State Incentives Chief and was told he was no longer eligible per the policy. He opted into BRS in 2018 while deployed with only little information on the program in comparison to the traditional retirement.

d. The applicant declares service with the [REDACTED] ARNG has always been in good standing. He states leadership considers him a character standup guy who has always served the Army to the best of his ability sacrificing time away from home and volunteering for missions when needed. He states information about the BRS-CP was received 10 months after the eligibility window. The applicant states, should the board grant the BRS-CP payment, the service member agrees to incur a 4-year obligation.

e. The applicant provided BRS-CP Calendar Year 2023 (CY23) policy, and LES dates 15 June 2023 as supporting documents. He has offered to provide names and contact information for his recent commanders and supervisors to attest to his character.

f. [REDACTED] ARNG Incentives Manager states the Incentives Office advised the applicant to initiate an ABCMR request, when advising him that the office could not process the

CP because he was outside of his eligibility window, the applicant opted into the BRS in 2018. He requested his continuation pay on 2 June 2023. His window of eligibility was from 10 July 201 to 9 July 2022.

g. [REDACTED] ARNG Incentives Manager states the applicant was not informed by the incentive's office of eligibility. The [REDACTED] ARNG Incentives Manager was under the impression BRS-CP was an entitlement received for opting into the BRS. The [REDACTED] ARNG states the applicant is fully eligible; except he requested continuation pay 11 months passed the window of eligibility.

h. A review was conducted by the ARNG Incentives Oversight Branch. It was unclear as to why the applicant would have enrolled in BRS and not have knowledge of BRS-CP. In May 2023, the service member states he learned about BRS-CP but then states he learned about in 2018 so the dates are not accurate. ARNG is not able to approve BRSCP enrollment outside the window; only HQDA can approve this.

i. A review was conducted by the ARNG Retirement Service Branch, and it was confirmed there is no way to prove all the applicants are informed about BRS-CP when they are trained on BRS. Only the unit can confirm if this was conducted or not.

j. After further review of the applicant's documents provided discussions with the [REDACTED] ARNG, ARNG Incentives oversight Branch Office, and ARNG Retirement Service Branch, it is the conclusion of this office, that the applicant did not enroll during the eligibility window because he was not notified of eligibility. This office recommends granting BRS-CP payment.

(3) The ARNG Incentives Oversight Branch does not concur with recommendation. The ARNG Retirement Service Branch concurs with recommendation. The [REDACTED] ARNG concurs with recommendation.

5. On 2 May 2024, the applicant was provided with a copy of the advisory opinion with an opportunity to respond. He did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, the evidence found within the military record, and the policies applicable to his request, the Board found that relief was warranted.

2. The Board carefully considered the applicant's contentions, his record of service, the evidence provided regarding his BRS date, when he states that he was made aware of BRS-CP, the date of his submission for BRS-CP and the denial of his request. The Board considered the review, conclusions and recommendations of the NGB advising

official and concurs with the recommendation. Based on a preponderance of evidence the Board determined that his record should be amended to correct an injustice.

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 that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted and was in receipt of a completed continuation pay (CP) request prior to the completion of 12 years of service as computed from the PEBD
- DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

X	
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CHAIRPERSON

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:

Department of Defense Financial Management Regulation, Volume 7B states pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, as amended by the NDAA FY 2017, the Department of Defense established the modernized retirement system, commonly known as the BRS. The BRS is the retired pay system for all Service members who entered military service on or after 1 January 2018. All members serving as of 31 December 2017 were grandfathered under the applicable legacy retirement system. The law permits active-duty Service members with less than 12 years of service on 31 December 2017, the option of electing to be covered under the BRS or to remain with their applicable legacy retirement system. The law provides a one-year election period for those Service members eligible to opt into the BRS from 1 January 2018 and ends on 31 December 2018. The decision to opt into the BRS is irrevocable.

//NOTHING FOLLOWS//