

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20230009650

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)
- Emails regarding BRS CP
- Leave and Earnings Statement (LES) 1-30 September 2022
- Request for BRS CP

FACTS:

1. The applicant states:

a. She enrolled in the BRS with the understanding that at 12 years of service she could apply for the CP. During her 12th year of service, she attempted to apply for the CP and was denied. She is attempting to be paid CP from 2019 when she was a staff sergeant and have the years of service obligation count from that time.

b. When applying for BRS CP, no one knew how to apply. When she was finally pointed in the right direction to apply, she was told she had too many years time in service. The memorandum for the BRS CP for calendar year (CY) 2019 eligibility stated "Will complete 12 years of service (pay entry basic date (PEBD)) from 1 January 2007 through 31 December 2007". This statement made her believe she had to hit 12 years to apply (which she did). Her PEBD is 11 July 2007. She has exhausted all measures at the lowest level to get this resolved, she was told by policy members at Headquarters, Department of the Army to use this avenue in an attempt to receive the CP.

c. Although it has been more than three years, she believes that the CP should still be given to her since it was an incentive in enrolling in the BRS. Additionally, the BRS was such a new concept no one was properly trained on how or when to submit for the CP. This should be corrected since she believes she is not the only person who was unable to receive the CP.

3. The applicant provides the following documents:

a. Emails showing her efforts to receive an exception to policy for BRS CP from 23 September 2019 through 3 October 2022. They are available for the Board's review.

b. LES from 1-30 September 2022, which shows she is in the BRS.

c. Request for BRS CP, 6 October 2022, which shows she is requesting BRS CP for CY 2019 at 2.5 times her monthly basic pay and she agreed to an additional obligated service of 1 year. Her PEBD is 11 July 2007. The form is signed by the applicant, the certifying official, and the approval authority.

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

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the Regular Army on 25 September 2007.

b. Enlisted Record Brief, 29 November 2022, shows her PEBD as 11 July 2007.

c. DA Form 5016 (Chronological Statement of Retirement Points), 11 December 2024 shows she was in the U.S. Army Reserve from 28 June 2006 through 14 March 2007.

d. Her service record is void of documentation showing she enrolled in BRS or that she requested BRS CP.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant was eligible to receive CP BRS.

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 of the individual concerned be corrected by:

- showing the applicant 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 her entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

3/25/2025

X

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:

1. Department of Defense memorandum dated 27 January 2017 (Implementation of the Blended Retirement System (BRS)), Attachment 1, provides guidance for the implementation of the Uniformed Services' BRS. This memorandum was effective as of 27 January 2017. Unless otherwise stated, the policies contained herein that implement the BRS shall be effective simultaneous with the effective date of the BRS, 1 January 2018. In pertinent part:

a. Paragraph 6b.(3) (Eligibility) provides that, any member of the Reserve Component (RC) of a Uniformed Service who is performing reserve component service as a member of the Ready Reserve or on the Active Status List of the Standby Reserve on 31 December 2017 is covered under the provisions of the BRS, who: (a) Has a date of initial entry into military service (DIEMS)/date of initial entry into uniform service (DIEUS) that is on or before 31 December 2017; and, (b) Is in receipt of basic pay or inactive duty pay under Sections 204 or 206, respectively, of Title 37, USC, on or after 31 December 2017; and, (c) Has accumulated fewer than 4,320 retirement points, in accordance with the provisions of Section 12733 of Title 10, USC, as of that date; and, (d) Elects to enroll in the BRS under provisions outlined in section 9.b. (Procedures for Enrollment).

b. Paragraph 8b.(2) (Continuation Pay) provides that, a Reserve Component member is eligible to receive CP who: (a) Is covered under the BRS; and, (b) Has completed not less than 8 and not more than 12 years of service as computed from that member's PEBD; and, (c) If elected to enroll in the BRS in accordance with section 6.b.(3), as calculated under provisions of Section 12733 of Title 10, USC, did not complete more than 12 years of service as calculated from PEBD prior to enrollment in the BRS. (d) Is a member of the Selected Reserve, or otherwise a member of the Ready Reserve in a status in which the member is eligible to receive basic pay or inactive duty pay, when otherwise eligible in accordance with criteria published by the Secretary concerned as specified in paragraph 8.f.; and, (e) Is eligible to enter into an agreement to serve not less than an additional 3 years in the Selected Reserve.

2. Title 37, USC, Section 356 (CP: Full Thrift Savings Plan (TSP) Members with 8 to 12 years of service) states:

a. 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

b. The amount of CP payable to a full TSP member shall be the amount that is equal to:

(1) 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 as the Secretary concerned shall specify in the agreement; and

(2) 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 multiplied by such number of months as the Secretary concerned shall specify in the agreement.

c. In addition to the CP, the Secretary concerned may provide CP to a full TSP member in an amount determined by the Secretary concerned.

d. The Secretary concerned shall pay CP to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP to the member, that CP shall be provided when the member completes 12 years of service.

e. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

f. CP is in addition to any other pay or allowance to which the full TSP member is entitled.

g. A full TSP member who receives CP and fails to complete the obligated service required shall be subject to the repayment provisions.

3. Army Regulation 637-1 (Army Compensation and Entitlements Policy), paragraph 18–26 (Continuation Pay), states in pertinent part:

a. CP application points, rates, and years of required commitment may vary from year to year or from one military occupational specialty to another, and application criteria will be published annually by the Deputy Assistant Secretary of the Army for Military Personnel and Quality of Life. CP is not automatic, and Soldiers must apply before the established deadline, or they will forfeit their eligibility to receive CP.

b. Soldiers must meet the following criteria to qualify for CP:

(1) Must be enrolled in BRS.

(2) Must be within 180 days of the established application year point (between 8 and 12 years of service) as determined from their PEBD.

(3) Must have an approved application no later than the anniversary date of the established application year point as determined from their PEBD.

c. Commanders or designated representatives will —

(1) Verify Soldiers requesting CP elected BRS.

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

(3) Identify and ensure Soldiers eligible for CP submit their requests within the established timelines.

d. Soldiers enrolled in BRS will —

(1) Use the approved (CP (BRS)) request as published by Deputy Chief of Staff, G-1 plans and resources to apply for CP.

(2) Submit the completed contract to their respective S1 for approval and processing to Finance Officers (FO)/Army Military Pay Officers (AMPO).

e. Personnel office/S1 will —

(1) Include the unit identification code in block 3 of the CP contract. Also, complete item 4 of the CP contract with a 9-digit control number prior to forwarding to the FO/AMPO (CP1801001 is an example of such a number). First two characters (CP) represents continuation pay. The next two numbers represent the fiscal year the CP contract is approved. The fourth and fifth numbers represents the month and the last three numbers depicts the cumulative number(s) of CP contracts processed by the assigned unit for a particular month.

(2) Forward the CP contract to the FO/AMPO within 7 duty days in accordance with established procedures to finance for payment.

(3) Process the CP contract for filing in Interactive Personnel Electronic Records Management System under the service and finance folders.

//NOTHING FOLLOWS//