

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230010710

APPLICANT REQUESTS: entitlement to Continuation Pay (CP) under the Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- Retirement Points Accounting Management (RPAM) roster
- National Guard Bureau (NGB) Form 23A (Army National Guard (ARNG) Current Annual Statement)

FACTS:

1. The applicant states in pertinent part that he was unaware of the CP BRS incentive. He contests that he has been enrolled in the BRS since its inception, however his name was omitted from the Fiscal Year (FY) 2021 roster reflective of individuals eligible for CP. Since the tracking system evolves from year to year, he notes that it would be impossible to manage without guidance from the State or higher headquarters. During his eligibility period he served as an Active Guard/Reserve (AGR) Administrative Officer at the battalion level working directly with the retention teams responsible for managing the CP BRS roster. He denies ever being listed on their roster.

2. A review of the applicant's available service records reflects the following:

a. On 1 March 2010, the applicant enlisted in the Indiana ARNG (INARNG) for 8 years.

b. On 9 May 2014, the applicant was appointed a Reserve commission.

c. On 14 July 2014, the INARNG issued Orders Number 195-1084 retroactively discharging the applicant, effective 8 May 2014. to accept appointment as a commissioned officer.

d. On 19 August 2014, the NGB issued Special Orders Number 230 announcing Federal recognition of the applicant's initial appointment as an Infantry Corps

commissioned officer in the INARNG, effective 9 May 2014, at the rank/grade of second lieutenant (2LT)/O-1.

e. On 2 March 2016, the NGB issued Special Orders Number 40 AR announcing Federal recognition of the applicant's promotion to the rank/grade of first lieutenant (1LT)/O-2, effective 9 November 2015.

f. On 9 July 2018, the INARNG issued Orders Number 190-0001 ordering the applicant to Full-Time National Guard Duty (FTNGD) in an AGR status, effective 9 July 2018, for a period of 3 years.

g. On 20 November 2019, the NGB issued Special Orders Number 340 announcing Federal recognition of the applicant's promotion to the rank/grade of captain (CPT)/O-3, effective 7 November 2019.

h. On 14 June 2021, the INARNG issued Orders Number 165-0003, extending the applicant on active duty in an AGR status for 6 years, effective 9 July 2021.

3. The applicant provides the following a:

a. RPAM roster reflective of the Pay Entry Basic Date (PEBD) and Annual Year Ending (AYE) dates of several military personnel. The applicant's name is not reflected on this roster.

b. NGB Form 23A dated 1 March 2023, reflective of the applicant's 13 years of qualifying service performed from March 2010 – March 2023.

4. On 14 March 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that after a review of his claim, the INARNG revealed that he was eligible for CP BRS, however due to lack of education on the process of BRS, and miscommunication timelines at the State level he was unaware of the CP BRS incentive timeline and therefore missed the eligibility date. No one within his higher headquarters was tracking his CP BRS eligibility and therefore he was never made aware of when he became eligible to apply for the entitlement. The applicant's 11-12 years window would have been between 1 March 2021 – 1 March 2022.

5. On 8 April 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. On 9 April 2024, the applicant responded in concurrence with the advisory opinion's recommendation. He provided a CP BRS Request Form showing a multiplier of 2.5x his

base pay and additional obligated service of 4 years. The form is endorsed by the applicant, certifying official, and approval authority albeit 1 May 2024.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and National Guard Bureau -Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for approval finding after a review of the applicant's claim, the INARNG revealed that he was eligible for CP BRS. IT was noted by the opine that due to lack of education on the process of BRS, and miscommunication timelines at the State level the applicant was unaware of the CP BRS incentive timeline and therefore missed the eligibility date. The Board agreed based on the advisory opine, there is sufficient evidence to support the applicant's entitlement to Continuation Pay (CP) under the Blended Retirement System (BRS). Therefore, the Board granted relief.

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:

1. showing the applicant was in receipt of a completed continuation pay (CP) request prior to the completion of 12 years of service (1 March 2021 – 1 March 2022) as computed from the PEBD
2. DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[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.

REFERENCE:

Title 37 United States Code (USC), section 356 (Continuation Pay) provides:

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 four 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 AGR 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. The multiple for a full TSP member who is a member of a Reserve Component not performing AGR 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.

c. In exchange for the CP described in paragraph 5, Soldiers must agree to serve for four years of additional service in the component in which they are serving at the time CP is approved. The service obligation commences upon approval of the CP request.

//NOTHING FOLLOWS//