

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 June 2024

DOCKET NUMBER: AR20230010874

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)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 16 September 2014
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 28 May 2021
- Memorandum – Subject: Blended Retirement System (BRS) Continuation Pay (CP) Calendar Year 2022 (CY22)
- Request for CP BRS

FACTS:

1. The applicant states he began his 12th year of service on 17 February 2023. He contests that the email notification pertaining to the CP BRS was emailed to him on 30 January 2023. However, he did not read the email until after his Expiration Term of Service (ETS) date had passed and feels that he was inappropriately informed of the CP BRS opportunity. As such he should be entitled to an exception to policy based on the fact that he was eligible in the fiscal year but due to these circumstances he was precluded from taking advantage of this incentive.

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

- a. On 18 February 2011, the applicant enlisted in the Army National Guard (ARNG).
- b. On 20 January 2017, the applicant elected to extend his current enlistment for 3 years changing his ETS to 17 February 2020.
- c. On 20 May 2019, the applicant elected to extend his current enlistment for 2 years changing his ETS to 17 February 2022.

d. On 28 May 2021, the applicant elected to extend his current enlistment for 6 years changing his ETS to 17 February 2028.

3. The applicant provides the following:

a. A DD Form 214, for the period ending 16 September 2014 reflective of the applicant's service on active duty from 1 November 2013 – 16 September 2014 in support of Operation Enduring Freedom.

b. Memorandum – Subject: BRS CP CY22 reflective of the eligibility, amounts, and additional service obligation association with the receipt of CP BRS in CY22. Paragraph 4a provides that ARNG service members must have completed between 10 and no more than 12 years of service as computed from their Pay Entry Base Date (PEBD) and agree to an Additional Service Obligation (ASO) of 4 years.

c. Request for CP BRS reflective of the applicant's agreement to a 4-year ASO in association with his entitlement to CP at a rate of 4 times his monthly base pay. The applicant elected to be paid in a lump sum. The form is endorsed by the applicant, certifying official, and approval authority albeit 21 May 2024. However, it is void of a control number.

4. On 21 March 2024, the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that after review of his records, he was eligible to receive CP BRS from 17 February 2021 to 16 February 2023. After correspondence with the PAARNG it was determined that the applicant was likely not notified in a timely manner, if at all. The applicant met all criteria to be eligible for CP BRS CY23

5. On 14 May 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. The applicant responded with no contentions.

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, available military records, and the National Guard Bureau, Chief, Special Actions Branch advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS from 17 February 2021 to 16 February 2023.

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 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 for the period 17 February 2021 to 16 February 2023

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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. Title 37 United States Code (USC), section 356 (Continuation Pay - Full Thrift Savings Plan (TSP) Members with 8 to 12 Years of Service) 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.

2. Memorandum – Subject: Blended Retirement System (BRS) Continuation Pay (CP) - Calendar Year 2023 (CY23) provides that for those Reserve or ARNG Soldiers eligible to apply for CP during CY23, the CP amount will be computed using their current pay grade and years of service as listed on the monthly basic pay table provided by the Defense Finance and Accounting Service in effect on the date of the Soldier's request multiplied by 4 times their active duty monthly basic pay.

//NOTHING FOLLOWS//