

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 June 2024

DOCKET NUMBER: AR20230010878

APPLICANT REQUESTS: to be reenrolled in the Blended Retirement System (BRS) with entitlement to Continuation Pay (CP) and Thrift Savings Plan (TSP) matching contributions retroactive to 30 November 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings System History Display
- TSP-U-1 (TSP – Election Form), 1 October 2021
- DD Form 2851 (Request to Correct TSP Agency Error)
- Web Defense Military Pay Office (DMO) screenshot
- Ticket Number 14545

FACTS:

1. The applicant states in pertinent part, he was previously enrolled in the BRS. However, when he transferred into the Indiana Army National Guard (INARNG) his benefits did not carry over. As such he is seeking reinstatement of his BRS TSP matching, effective 30 November 2018, to present, with entitlement to CP BRS.
2. A review of the applicant's available service records reflects the following:
  - a. On 30 November 2009, the applicant enlisted in the INARNG.
  - b. On 18 December 2014, the applicant was honorably discharged from the INARNG as an enlisted Soldier to be appointed as an officer.
  - c. On 19 December 2014, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.
  - d. On 19 February 2015, the applicant was ordered to active duty.
  - e. On 1 July 2018, the applicant was released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement).

f. On 19 November 2018, the National Guard Bureau (NGB) issued Special Orders Number 306 announcing Federal recognition of the applicant's transfer from the USAR to the INARNG, effective 2 July 2018.

g. On 30 September 2021, the INARNG issued Orders Number 273-0001 ordering the applicant to active duty in an Active Guard/Reserve (AGR) status, effective 1 October 2021.

3. The applicant provides the following a:

a. Leave and Earnings System History Display reflective of a portion of the applicant's pay entitlement and debt history associated with a payroll action conducted on 1 October 2021. This document shows an election for TSP BRS.

b. TSP-U-1 dated 1 October 2021, reflective of the applicant's submitted request to start his TSP contributions.

c. DD Form 2851 reflective of the applicant's submitted request for reinstatement of his BRS enrollment. The applicant notes that he was previously enrolled while on active duty but noticed in February 2022 while applying for CP BRS that his previous BRS enrollment did not transfer when he was appointed in the INARNG.

d. Web DMO screenshot reflective of the applicant's pertinent personnel information. The applicant's Pay Entry Basic Date (PEBD) reflects 30 November 2009.

e. Ticket Number 14545 reflective of the applicant being advised on 19 April 2022, that an audit was conducted which revealed that he was not enrolled in the TSP. However, since he was enrolled in the BRS, effective 30 November 2018, he would be enrolled in the TSP with a 3 percent contribution and the government would contribute an amount equal to 1 percent of his basic pay. The applicant would receive any missed government contributions and be afforded the opportunity to make up any missed contributions for the retroactive period beginning with his Date of Initial Entry into Military Service until 30 November 2018.

4. On 18 April 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that the applicant enrolled in BRS while on active duty when it became available in 2018. After completing his term of service in the Regular Army, he transferred into the INARNG, but his BRS enrollment did not carry over. The INARNG confirmed that this is an ongoing issue across the ARNG when Soldiers go from the active component to Reserve Component. Based on the applicant's military records his PEBD is 30 November 2009, and therefore he would be eligible for CP BRS under Calendar Year (CY)2021. The INARNG has

confirmed that they are working to correct the applicant's BRS status, and to provide him with the BRS-CP incentive under CY21 guidance.

5. On 26 April 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. The applicant responded in concurrence with the advisory opinion. The applicant inquired about the enrollment effective date and questioned how the TSP government matching would be applied.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's PEBD is 30 November 2009, and he reached his 12th year of service on 30 November 2021. The Board reviewed and agreed with the NGB advisory official's finding that the applicant enrolled in the BRS when it became available in 2018 and while a member of the Regular Army. After completing his term of service in the Regular Army, he became a member of the INARNG on 2 July 2018. His BRS enrollment and associated benefits did not carry over. The INARNG confirmed that the applicant signed a BRS-CP request on 14 October 2021, however the INARNG initial review eligibility review showed that he did not qualify for BRS entitlement because his LES and DJMS showed that he did not enroll into the BRS program. The Board further agreed that based on the applicant's PEBD of 30 November 2009, the applicant would be eligible for BRS-CP under CY21. The Board determined relief is warranted.

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

- showing the applicant timely submitted his Request for CP-BRS before reaching his 12th year of service
- showing the appropriate office timely received and processed his approved request for CP BRS
- paying the applicant based on the appropriate pay grade (O-3 with appropriate years of service from the 2021 pay scale, less applicable federal and state taxes (DFAS determines the exact amount)

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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 2021 (CY21) provides that for those Reserve or ARNG Soldiers eligible to apply for CP during CY21, 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. For Regular Army, and Title 10 and Title 32 AGR Soldiers performing active service in a career status program, BRS-CP is 2.5 times the monthly basic pay. In exchange for the BRS-CP, Soldiers must agree to serve 4-years of additional service in the component in which they are serving at the time BRS-CP is requested. The service obligation commences on the date of the Soldier's BRS-CP request.

3. Department of Defense Financial Management Regulation 7000.14, Volume 7A states:

a. Section 4.0 (TSP for BRS Members) this section describes policy related to TSP changes under the BRS. The BRS became effective 1 January 2018. The Deputy Secretary of Defense memorandum, "Implementation of the Blended Retirement System," dated 27 January 2017, and Volume 7B, provide comprehensive policy and

guidance regarding retirement under the BRS. A member, defined in this section, applies to both Auto-Enrolled and Opt-In Members. Auto-Enrolled BRS Member. A member who is enrolled in BRS by virtue of the member's Date of Initial Entry into Military Service (commonly referred to as DIEMS) on or after 1 January 2018. BRS Opt-In Member. A member who elected to enroll in BRS in accordance with procedures outlined in the Deputy Secretary of Defense Memo, dated 27 January 2017.

b. Participation and Initial TSP Contribution: The Secretary concerned will establish a TSP account, if one does not already exist, for both Auto-Enrolled BRS Members and BRS Opt-In Members. The initial individual and agency contributions to TSP will occur no later than as specified in accordance with subparagraphs 4.2.1 and 4.2.2. Auto-Enrolled BRS Members. Contributions will begin the pay period following the member's 60th day of service as calculated from Pay Entry Base Date (PEBD). BRS Opt-In Members. Contributions will begin the pay period that begins on or after the date of the member's election to enroll in BRS. When an election is made on the first day of the month, which is the first day of the pay period, initial individual and agency contributions will be in effect for that month.

//NOTHING FOLLOWS//