

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 June 2024

DOCKET NUMBER: AR20230011205

APPLICANT REQUESTS: an exception to policy to apply for Continuation Pay (CP) under the provisions of the Blended Retirement System (BRS).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states he is requesting to receive CP under the BRS. The information he received was either contradictory, inaccurate, or confusing. He believed his time to request CP was prior to the end of his 12th year of service. He spoke with the finance office at Fort Richardson, AK, and they provided no information that would change his conception - they did understand what CP was. He then saw a flyer that said he would be notified 180 days prior to his eligibility so he believed he was in the clear since he received no notification.

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

a. Having prior Army National Guard (ARNG) enlisted and Cadet service, National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows he entered the ARNG on 26 January 2011 and was discharged from the ALARNG on 12 December 2014 and appointed as a second lieutenant (2LT)/O-1, effective 13 December 2014.

b. On 7 November 2016, the U.S. Army Human Resources Command published Orders Number 312-075, which promoted the applicant to the rank/grade of first lieutenant (1LT)/O-2, with a date of rank of 3 November 2016.

c. His record contains an Officer Record Brief dated 26 November 2022, which shows his Pay Entry Base Date (PEBD) as 26 January 2011.

d. He is currently serving in the Regular Army in the rank of captain and completed 12 years of service on 26 January 2023.

3. On 5 February 2024, the Office of the Deputy Chief of Staff G-1, Program Analyst, Compensation and Entitlements Division provided an advisory opinion and stated:

a. After careful review, this office does not support the request for CP. The applicant is required to submit a completed, certified, and approved Calendar Year 2023 (CY23) CP application to support a claim of CP.

b. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY23.

4. On 9 February 2024, the applicant was provided a copy of the G-1 advisory opinion to allow for comments or rebuttal. He did not respond.

**BOARD DISCUSSION:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 Office of the Deputy Chief of Staff G-1 advisory opinion, the Board concurred with the advisory official finding the applicant had not submitted a completed, certified, and approved CY application to support his claim.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

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|---|---|---|----------------------|
| : | : | : | GRANT FULL RELIEF    |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| ■ | ■ | ■ | DENY APPLICATION     |

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.

2. AR 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army policies for entitlements and collections of pay and allowances for active duty Soldiers.

a. Paragraph 18-26a (Continuation Pay) states, (1) The BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-year point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular Component and .5 times base pay for RCs if they commit to a minimum of 3 years of additional service. (2) CP application points, rates, and years of required commitment may vary from year to year or from one MOS 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. Paragraph 18-26b (Eligibility) states, Soldiers must meet the following criteria to qualify for CP:

- must be enrolled in BRS
- must be within 180 days of the established application year point (between 8 and 12 years of service) as determined from their PEBD
- must have an approved application no later than the anniversary date of the established application year point as determined from their PEBD

3. Title 37, United States Code, Section 356 (CP: Full TSP (Thrift Savings Plan) 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.

//NOTHING FOLLOWS//