

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 August 2024

DOCKET NUMBER: AR20230014037

APPLICANT REQUESTS: payment of Blended Retirement System (BRS) Continuation Pay (CP).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Calendar Year 2022 BRS CP Bonus Instructions
- National Guard Bureau (NGB) Form 23A (Army National Guard (ARNG) Current Annual Statement), 27 June 2023

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in pertinent part, she reached her 12th year of service in 2020 and, upon returning from deployment, was not made aware of this program through no fault of her own. She missed the enrollment window due to being deployed from 2018-2019.

3. A review of the applicant's available service record reflects the following:

a. On 27 June 2008, with prior U.S. Air Force enlisted service, she enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG). She had continuous service through extensions.

b. Her enlisted record brief shows:

- Her Pay Entry Basic Date as 7 May 2008
- She was promoted to the rank/grade of staff sergeant on 1 August 2017

c. On 13 July 2021, Orders Number 1277072 issued by [REDACTED] ARNG, promoted the applicant to the rank/grade of sergeant first class (SFC)/E-7, effective 7 July 2021.

d. Her record is void of a Request for CP BRS form.

e. She continues service with the [REDACTED] ARNG.

4. The applicant provides the following:

a. Memorandum, Subject: Calendar Year 2022 BRS CP Bonus Instructions detailing the benefit for enrolling for and requesting CP BRS.

b. NGB Form 23A, dated 27 June 2023 showing she reached 12 years of service in June 2020.

5. On 12 June 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request stating, in effect:

a. The applicant enrolled in BRS through the Mypay link and completed the Joint Knowledge Online training prior to enrolling in 2017. She completed her twelfth year of service on 7 May 2020 and did not have the opportunity or knowledge to submit her request for BRS CP. She was not made aware of the program benefits until she attended a full-time management course in late 2023 at Fort Liberty, NC.

b. The [REDACTED] ARNG concurs that the applicant was not made aware of the benefit until late 2023 at a full-time management course and prior to that was mobilized. Headquarters, Department of the Army (HQDA) Executive Order (EXORD) 140-21 states Soldiers in BRS will complete training for CP at least 90 days prior to the last date an individual is eligible through online training, face to face or group training.

c. It is the recommendation of this office that the applicant's request be approved. The [REDACTED] ARNG has stated that it is probable she was unable to and did not have the knowledge to apply for BRS CP during her eligibility time and should be awarded the opportunity to apply as CP training was not conducted in accordance with HQDA EXORD 140-21.

d. The [REDACTED] ARNG concurs with this advisory opinion.

6. On 13 June 2024, the applicant was provided with a copy of the advisory opinion to provide a response.

7. On 19 August 2024, she provided a CP BRS request form showing in the rank/grade of staff sergeant (SSG)/E-6 she requested CP at a rate of 2.5 times her base pay at the time for four additional years of obligated service, to be paid in a lump sum for her continued service in the ARNG. The form was endorsed by the certifying official and approval authority.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendation in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting payment of Blended Retirement System (BRS) Continuation Pay (CP) to the applicant.

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 Army records of the individual concerned be corrected by showing the applicant made a timely submission for Blended Retirement Continuation Pay, it was received and processed by appropriate authority IOT pay the applicant BRS CP, as requested.

2/13/2025

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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Title 37 USC, section 356 (CP) states:

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 three 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 Reserve 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.

//NOTHING FOLLOWS//