

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 August 2024

DOCKET NUMBER: AR20230014767

APPLICANT REQUESTS: correction of his record to show he is eligible to be paid Continuation Pay (CP) Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- E-mail Communication regarding CP BRS
- 389th Engineer Battalion Memorandum, Subject: Request for Exception to Policy (ETP) for CP for (Applicant)
- E-mail Communication with Unit

FACTS:

1. The applicant states his expiration term of service was 26 September 2023 and the date he reached his 12 years of service. He was unable to reenlist to meet the additional service obligation until he successfully completed the Wheeled Vehicle Recovery Course to be awarded the additional skill identifier of H8 which was a condition of his reenlistment to be eligible for a retention bonus. Upon graduating from the course, he updated his service record and reenlisted on 22 September 2023. Due to issues with obtaining a new Common Access Card he was not able to submit his packet for CP BRS until 2 October 2023 which was after he began his 12 years of service. His servicing finance office advised that he request an ETP for CP.

2. A review of the applicant's service record shows:

- a. On 27 September 2011, the applicant enlisted in the U.S. Army Reserve (USAR).
- b. The applicant's enlisted record brief shows the applicant's pay entry base date is 27 September 2011 and his Expiration Term of Service (ETS) was 26 September 2023.
- c. On 12 July 2012, Orders Number 2206011, issued by the Military Entrance Processing Station the applicant was ordered to initial active duty for training, effective 24 July 2012.

d. On 17 January 2013, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 5 months and 24 days of active service.

e. On 16 February 2016, Orders Number 16-047-00166, issued by the 103rd Sustainment Command (Expeditionary), the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 12 May 2016.

f. On 26 September 2016, the applicant reenlisted in the USAR for 6 years which changed his ETS to 26 September 2023.

g. On 4 February 2017, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 8 months and 23 days of active service.

h. On 14 February 2017, Orders Number R-02-700373, issued by the U.S. Army Human Resources Command (HRC), the applicant was ordered to active duty in an Active Guard/Reserve status, effective 22 March 2017.

i. On 2 May 2022, Orders Number 122-0004, issued by AHRC, the applicant was assigned to the U.S. Army transition point for release from active duty, effective 9 June 2022.

j. On 9 June 2022, the applicant was honorably released from active duty and assigned to a USAR Troop Program Unit. DD Form 214 shows the applicant completed 5 years, 2 months, and 18 days of active service.

k. On 30 August 2023, the applicant met course standards for the H8 course during the period of 15 through 30 August 2023.

l. On 13 September 2023, Orders Number 5983921, issued by the Department of the Army, the applicant was awarded the additional skill identifier of H8, effective 31 August 2023.

m. On 22 September 2023, the applicant reenlisted in the USAR for 6 years.

3. The applicant provides:

a. E-mail communication with the 88th RD dated 5 October 2023 which advised the applicant to submit a request for an ETP to be paid his CP BRS and explain the factors which played a role in his late submission.

b. 389th Engineer Battalion Memorandum, Subject: Request for ETP for CP for SSG C-U- (the applicant), which is unsigned and missing signatory authority

endorsement. The memorandum stated it was a recommendation for approval of the applicant's request for an ETP to be paid his CP. He reenlisted for 6-years and was awarded CP bonus with the condition he completed H8 school, conduct a record Army Combat Fitness Test and reenlist for a minimum of 4-years to meet the additional service obligation for CP BRS. Due to an issue with the timeline and miscommunication, the applicant's packet for CP BRS was not approved prior to reaching 12 years of service.

c. E-mail traffic with the applicant's unit which discussed his information in his service record which needed to be updated. During the communication the applicant requested a memorandum which laid out the timeline that covered his request for CP BRS which caused him missing the final suspense for submission of his request.

4. On 7 February 2024, in the processing of this case, the Office of the Deputy Chief of Staff G1, provided an advisory opinion regarding the applicant's request to be paid CP BRS. The advisory official stated the applicant's request was not supported as he was required to submit a completed, certified, and approved calendar year 2023 CP BRS application to support his claim.

5. On 9 February 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

6. On 21 February 2024, the applicant responded via e-mail stating that he did not have an approved CP BRS because it was rejected because he submitted it two-weeks after he obtained 12 years of service. He was not able to reenlist until approximately 8 days prior to his ETS.

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 Program Analyst for the Compensation and Entitlements Division of the Office of the Deputy Chief of Staff G-1, the Board concurred with the advising official finding the applicant's request does not support the request for Blended Retirement System Continuation Pay as he was required to submit a completed, certified, and approved Calendar Year 2023 application to support a claim of Continuation Pay and he did not. The Board concluded there was no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full Thrift Savings Plan (TSP) Member with 12-Years of Service), (a) CP, 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

a. Amount, the amount of CP payable to a full TSP member under subsection (a) shall be the amount that is equal to 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 (not to exceed 13-months) as the Secretary concerned shall specify in the agreement of the member under subsection (a)

b. Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

2. Title 37, United States Code, 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 Active Guard/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.

c. The maximum amount the Secretary concerned may pay a member under this section is — 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.

3. Deputy Secretary of Defense Memorandum dated 27 January 2017, Subject: Implementation of the BRS, implements guidance for the BRS for the Uniformed Services, which was authorized in Public Law 114-92 section 631 through 635 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016. Members of the Uniformed Service are covered under the provisions of the BRS who served in a Uniformed Service for fewer than 12-years as calculated from their PEBD.

4. Army Regulation 637-1 (Army Compensation and Entitlements Policy), provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

5. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 19 January 2021, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2021 (CY21) states the guidance was effective immediately and expired on 31 December 2021 and it applied to Regular Army (RA), Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve Soldiers who were covered under the BRS. For eligibility for RA Soldiers:

- covered under the BRS and
- would complete 11-years of service but not more than 12-years of service during the CY21 as computed from the Soldier's Pay Entry Base Date (PEBD)

For RA Soldiers performing active service in a career status program, CP is 2.5 times the monthly basic pay, based on current pay grade and years of service at the time CP is approved. In exchange for CP, Soldiers must agree to serve for 4-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. At a minimum, the BRS CP election packet will include the proof of BRS enrollment status and the request for CP contract. All Soldiers may submit the CP request once they become eligible for CP based on the PEBD and should submit the CP request no later than 60-days prior to completing 12-years of service. The request for BRS CP must be approved prior to the Soldier completing 12-years of service. The approval authority for RA Soldiers is colonels or civilian equivalent (GS-15) and will appoint appropriate personnel to serve as the program certifying officials.

//NOTHING FOLLOWS//