

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 September 2024

DOCKET NUMBER: AR20230015231

APPLICANT REQUESTS: to revert to the Legacy Retirement System (LRS) from the Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- Four (4) pay-related inquiry documents
- Three (3) Leave and Earnings Statements (LES)

FACTS:

1. The applicant states, in effect he currently is not benefiting from the matching in the past 4 or 5 years with the BRS. He was told he is ineligible and he does not see the BRS as a benefit to his current retirement goals, with years lost for matching. He was told he cannot complete a pay inquiry for the missing time and that he should have had employer matching completed. The BRS was setup for a decision to be made on 30 days after entry back to military service, so he should not have been placed in BRS in April 2023. He would prefer to return to the LRS since he has had no resolution in the past 2-3 years. The BRS would have only been beneficial to him if he was able to start in 2019, when he returned to military service.

2. The applicant provides:

a. Four (4) pay-related inquiry documents as follows:

(1) Two DA Forms 2142 (Pay Inquiry) (possible duplicates), dated 7 July 2023, requested pay inquiry to establish the applicant's employer contributions and prior contributions not yet received. Further stating, he elected for BRS after he returned to service January 2019.

(2) Note from DFAS, date and author unknown, states the applicant is not enrolled in BRS per Human Resources Command (HRC) and there is no myPay opt-in in 2019 on his processed transactions. He was advised that, unless he provides proof

that there was a previous opt-in, the account is accurate. Further stating, he may require an exception to policy in order to be backdated to 2019.

(3) Case Resolution Management (CRM), dated 15 November 20223, reflects a retirement inquiry with the Defense Finance and Accounting System (DFAS), requiring a change of retirement plan from BRS to LRS.

b. Three (3) Leave and Earnings Statements (LES) for the following periods:

- 1 – 31 May 2023
- 1 – 28 February 2022
- 1 – 31 March 2021

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

a. On 9 August 2018, he took the Oath of Office as a Captain (CPT), Reserve Commissioned Officer.

b. On 24 January 2019, he took the Oath of Office as a CPT, Regular Army, Army Medical Specialist Corps.

c. The applicant is currently assigned as the Chief, Physical Therapy, U.S. Army Medical Activity, Fort Knox, KY.

4. Department of the Army, Office of the Deputy Chief of Staff G-1 advisory opinion states:

a. After careful review of the information provided, we do not support the applicant's request. The applicant opted into BRS effective 6 April 2023, IP Address 214.77.36.29. At the time of enrollment, the applicant was made aware of the irrevocable election to participate in the BRS. There is no evidence the applicant made this election in error.

b. Pursuant to the 1.b, paragraph 9b(3), Department of Defense (DoD) Implementation Guidance states: "The decision to enroll in the BRS is IRREVOCABLE." The DoD and the Department of Army published clear instructions regarding the eligibility and made all Soldiers aware of the irrevocable nature when electing BRS.

c. On 1 January 2018, eligible Soldiers were given access to the BRS link on myPay to enroll into the BRS. The system process required Soldiers to follow 5 separate screens to include providing their current address and date of birth. Screen 2 required the Soldier to acknowledge the understanding that the decision to opt in was irrevocable once they complete the election. On screen 3 and 4, Soldiers had to check a box and answer a question respectively that stated, "I fully understand that I am opting

into the BRS". Screen 5 allowed the Soldier to save and print the confirmation and again informed the Soldier that they were opting into the BRS.

5. In response to the advisory opinion, the applicant states:

a. He would like to ask that the Board reject the stated advisory opinion. As stated before, he was placed in the BRS in 2019 and as shown with provided March 2021 LES. He had not received matching and was instructed he could not be in the BRS. He was removed from the BRS as shown in the February 2022 LES. The 2018 implementation states that Soldiers returning to service will be given 90 days to decide on the BRS. The 90 days was well past in April 2023. This seems to be a flaw in the system on DFAS. He was returned to the system in April 2023. He feels this is extreme determination for a simple fix.

b. If the Board will choose to adopt, he would further except other compensation of matching that should have been received from 2019. His initial DIEMS date is July 1998, this should have provided him matching from the start of his return in 2019.

c. He should be given the right to appropriate retirement compensations. He has no matching since returning to service in 2019 and no option to maintain the LRS. He was given conflicting information since his engagement with the Pay office and attempts to fix this concern starting in 2021. He is further unsure how the discrepancies in his LES from 2022 and 2021 to 2019 can be discounted.

#### 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 for the Department of the Army G-1 advisory opinion, the Board concurred with the advisory official finding the applicant opted into the Blended Retirement System (BRS) on 6 April 2023. At the time of his enrollment, he was made aware of the irrevocable election to participate in BRS. There is no evidence the applicant made the election in error. The Board concluded relief was not appropriate.

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:

Office of the Secretary of Defense memorandum, dated 27 January 2017, Subject: Implementation of the Blended Retirement System, implements guidance for the Blended Retirement System for the Uniformed Services, which was authorized in sections 631 through 635 of Public Law 114-92, the National Defense Authorization Act for FY 2016, as modified by sections 631 through 633 of Public Law 114-328, the National Defense Authorization Act for FY 2017. This policy supplements existing issuances and regulations pertaining to military retirement and annuity programs to provide guidance specifically for the Blended Retirement System. The policy outlined in the attachments will be incorporated into all applicable issuances and regulations to ensure an effective and efficient transition to this new retirement system when the Blended Retirement System becomes effective on January 1, 2018. The implementation of a new retirement system is a monumental change for the Department, requiring significant involvement from the leadership of our Uniformed Services. I ask that you pay close attention to this program and remain committed to ensuring our Service members are fully-informed, educated, and . prepared for this transition.

//NOTHING FOLLOWS//