

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240001315

APPLICANT REQUESTS: approval of his application for 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: BRS CP Calendar (CY) 2022
- Request for Continuation Pay (Blended Retirement System) Form, 7 February 2022
- Emails, Subject: BRS-CP Info for CY 2022 (3 pages)
- Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES), dated 1-31 January 2022

FACTS:

1. The applicant states he submitted a request for CP to his company commander on 7 February 2022, explaining his intentions and questions he had regarding his CP request. In accordance with the memorandum from the Department of the Army for the BRS CP, he needs to be between 10 and 12 years of service, and willing to serve an additional four years of additional service at the time of the CP request, and he has attached the memorandum for record for reference. On the request to his company commander submitted via email, he also ensured that the company first sergeant was included on the email. He had also, attached an email that he sent to his battalion S1 that stated the request needed to be routed through his chain of command with the signed request and proof of BRS enrollments for example, an LES, which he did include in his request. He has attached his signed CP request that he signed on 7 February 2022 as proof that he did submit this and sign it on the date he has claimed. He believes that his leadership did not action the request as they should have, which leads him to the reason of why he is submitting this request now. He has asked how he can fight this issue and he was directed to file this complaint here. He believes his military records are in error or unjust because he believes his chain of command/company leadership never submitted the request. He has never been flagged or had any adverse actions against him that would have been an issue with his request for CP.

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

a. On 21 December 2010, the applicant enlisted in the Ohio Army National Guard (OHARNG) for a period of 8 years

b. 21 December 2010, Orders Number 0355011 issued by the Military Entrance Processing Station, ordered the applicant to Initial Active Duty for Training (IADT) for approximately 10 weeks of basic training and 7 weeks of advanced individual training. With additional instructions of his participation in the Active First Program with control number 2011-595. In accordance with the orders the applicant will enter Active Army for 36 months upon discharge from the ARNG.

c. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows he was honorably released on 23 March 2011, from the OHARNG for enlistment in another component, and it also shows he completed 3 months and 3 days net service this period.

d. He enlisted in the Regular Army (RA) on 24 March 2011, for 3 years and 17 weeks, and continued service through reenlistments.

e. The applicant's enlisted record brief shows his Pay Entry Basic Date (PEBD) as 23 March 2011 and he was promoted to the rank/grade of sergeant first class (SFC/E7) on 1 October 2021.

f. The applicant completed 12 years of service on 23 March 2023.

g. Promotion Orders Number 295-87 dated 22 October 2021 issued by the U.S. Army Human Resources Command, amended by promotion Order Number 86-809 dated 27 March 2022, showing he was promoted to SFC with an effective date of rank of 1 October 2021.

h. The applicant remains on active duty.

3. The applicant provides:

a. A memorandum dated 27 January 2022, with the subject of BRS CP CY 2022 showing the eligibility amounts and additional service obligation for receipt of the BRS CP.

b. Request for CP BRS showing the applicant requested CP BRS at 2.5 x his monthly basic pay in return for an additional obligated service of 4 years to be paid in one single lump-sum payment. The form shows his PEBD as 23 March 2011. The form is not endorsed by the certifying official or the approval authority.

c. Email communication between the battalion S-1 and his company commander with reference the submission process of a request for BRS CP.

d. LES, for the period covered 1 - 31 January 2022, showing the applicant was enrolled in the BRS.

4. On 13 August 2024, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion which stated:

a. After careful review, this office does not support the applicant's request due to incomplete and missing data on the CP application form. In accordance with reference 1.d the CP application must be completed in its entirety prior to submission for payment. The CP application is missing block 6 (control number), block 9 (certifying official printed name, rank, signature, and date), and block 11 (approving authority printed name, rank, signature, and date). The missing information is required should the request for payment be favorably considered.

b. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY22.

5. On 15 August 2024, the applicant was provided with a copy of the advisory opinion for comment 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's PEBD is 23 March 2011. He completed 12 years of service on 23 March 2023. He submitted a CP BRS showing he requested CP BRS at 2.5 x his monthly basic pay in return for an additional obligated service of 4 years to be paid in one single lump-sum payment. The form he submitted is not endorsed by the certifying official or the approval authority. The missing information invalidates the form. The Board also reviewed and agreed with the advisory official's determination not to support the applicant's request due to incomplete and missing data on the CP application form. The application must be completed in its entirety prior to submission for payment. The CP application is missing block 6 (control number), block 9 (certifying official printed name, rank, signature, and date), and block 11 (approving authority printed name, rank, signature, and date). The missing information is required should the request for payment be favorably considered. If the applicant can provide a completed/signed form, he may resubmit his application to this Board for reconsideration.

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.

REFERENCE:

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 an active duty member, 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.

//NOTHING FOLLOWS//