

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 October 2024

DOCKET NUMBER: AR20240001441

APPLICANT REQUESTS: to be paid 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) 2023
- Request for CP (BRS) Form, 18 January 2023
- Personnel Action Packet Checklist, 18 January 2023
- Blended Retirement System Enrollment Verification

FACTS:

1. The applicant states she enrolled into the BRS in January 2018. Her records were not adequately updated, and she therefore is unable to apply for her authorized CP. Her enrollment documents display her date of enrollment, and she has worked with finance to determine where the error occurred and has substantiating documents to support her request for the update.

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

a. On 8 April 2011, the applicant enlisted in the U.S. Army Reserve (USAR) for a period of 6 years, and continued service through reenlistments.

b. Her enlisted record brief shows her Pay Entry Basic Date (PEBD) as 8 April 2011 and that she was promoted to the rank/grade of sergeant (SGT)/E-5 on 1 April 2015.

c. Request for CP (BRS) showing the applicant requested CP BRS at 2.5x her 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 her PEBD as 8 April 2011. The form is endorsed by the certifying official on 18 January 2023 and by an approval authority on 22 June 2023.

d. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 27 October 2023 shows in item 7 that she extended her enlistment in the USAR for a period of 1 year changing her Expiration Term of Service (ETS) to 7 May 2026.

e. The applicant completed 12 years of service on 8 April 2023.

f. Promotion Orders Number 20-120-00170 dated 29 April 2020 issued by Headquarters, 63d Readiness Division (USAR), shows she was promoted to the rank/grade of staff sergeant (SSG)/E-6 with an effective date of rank of 1 May 2020.

g. Promotion Orders Number 0009020086.00 dated 1 August 2024 issued by the Department of The Army shows she was promoted to the rank/grade of sergeant first class (SFC)/E-7 with an effective date of rank of 1 August 2024.

h. The applicant remains on active duty in the USAR.

3. The applicant provides:

a. A memorandum dated 2 March 2023, with the subject of BRS CP CY 2023 showing the eligibility amounts and additional service obligation for receipt of the BRS CP.

b. Request for CP (BRS) showing the applicant request CP BRS at 2.5x her 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 her PEBD as 8 April 2011. The form is endorsed by the certifying official and an approval authority on 28 December 2023.

c. A Personnel Action Packet Checklist dated 18 January 2023, that indicates she submitted all required documents with her request for CP (BRS) to certifying human resource staff member who endorsed the checklist on 23 January 2024.

d. A copy of a BRS Enrollment Verification showing she opted in to Blended Retirement on 9 January 2018.

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 of the information provided, we recommend this case be approved in the interest of fairness and equity. The applicant's request reflects a requested date of 18 January 2023, which is prior to the end point for the 12th year of service on 8 April 2023. The CP application was certified and approved on 28 December 2023.

b. The applicant 's request for payment of CP should be made based on the date of the CP application, which is the date the applicant would have been otherwise qualified in accordance with reference 1.c.

c. If the Board grants administrative relief, the payment should be based on the pay grade of E-6 with 10 years for pay purposes from the 2023 pay scale ( $\$4,170.90 \times 2.5 = \$10,427.25$ , gross entitlement, less applicable federal and state taxes).

5. On 23 August 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records, and the advisory opinion from the Office of the Deputy Chief of Staff, G-1, Compensation and Entitlements Division, the Board concurred with the advising official's recommendation for approval. In the interest of fairness and equity, the Board recognized that the applicant submitted the request on 18 January 2023, which was prior to the end point of the 12th year of service on 8 April 2023.

2. The Board determined there was sufficient evidence to support the applicant's request for payment of CP, which should have been processed based on the date of the Continuation Pay (CP) application, the date on which the applicant would have otherwise qualified in accordance with regulatory guidance. Based on the advisory opinion, the Board granted relief. The Board acknowledged that the applicant's payment should be calculated using the pay grade of E-6 with 10 years of service, referencing the 2023 pay scale ( $\$4,170.90 \times 2.5 = \$10,427.25$ , gross entitlement, less applicable federal and state taxes).

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 that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

1. showing the applicant was in receipt of a completed continuation pay (CP) request prior to the completion of 12 years of service as computed from the PEBD
2. DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims. The payment would be based on the pay grade of E-6 with 10 years for pay purposes from the 2023 pay scale (\$4,170.90 x 2.5 = \$10,427.25, gross entitlement, less applicable federal and state taxes).



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//