

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240001485

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after her 12th year of service.

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

- DD Form 149 (Application for Correction of Military Record)
- BRS CP Request dated 1 February 2021 shows the applicant:
 - Agreed to accept BRS CP in accordance with the Calendar Year 2021 (CY21) BRS CP Guidance
 - Agreed to an additional 4-year service obligation
 - To receive 2.5 times her monthly pay at the rank/grade of staff sergeant (SSG)/E-6 pay rate
 - Lump sum payment
 - The applicant signed the request on 1 February 2021 which was certified on 2 February 2021 and approved on 3 November 2021
- BRS CP Request dated 20 December 2021 shows the applicant:
 - Agreed to accept BRS CP in accordance with the Calendar Year 2021 (CY21) BRS CP Guidance
 - Agreed to an additional 4-year service obligation
 - To receive 2.5 times her monthly pay at E-6 pay rate
 - Lump sum payment
 - The applicant signed the request on 20 December 2021
- Leave and Earnings Statement for the period of 1 through 31 December 2021 which shows the applicant achieved 12-years of service and her retirement plan was Choice
- E-mail dated 29 January 2022 from the National Guard Bureau shows a BRS CP request was submitted for the applicant and another member which received the response on 4 April 2022; the applicant was past her 12th year of service; she would have to apply to Army Board for Correction of Military Records (ABCMR)

- E-mail dated 22 April 2022 in which the applicant was informed since she was past her 12th year of service, she would have to apply to the ABCMR

FACTS:

1. The applicant states:

- During her eligibility window, she was deployed, attended the Warrant Officer Candidate Course and conducted an interstate transfer
- She was mobilized during the period of June 2020 through April 2021
- Her unit did not contact her about the incentive until December, then denied her request because her commander approved the BRS CP
- The delay was due to no fault of her own

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

- On 20 February 2009, she enlisted in the Army National Guard and had continuous service through extensions or reenlistments
- On 19 February 2021, she completed 12-years of service
- Soldier Management Services – WEB Portal shows her Pay Entry Base Date is 20 February 2009
- On 17 July 2022, she was ordered to active duty in an Active Guard/Reserve status by Orders Number 200-500 dated 19 July 2022

3. On 24 October 2024, in the processing of this case, the National Guard Bureau (NGB) provided an advisory opinion regarding the applicant's request for an ETP for BRS CP. The advisory official recommended approval of her request. The applicant was eligible to apply for BRS CP CY21 until her 12th year of service on 20 February 2021. Her application was submitted but was denied because it was signed by the approving authority past her eligibility date. She was directed to apply to the ABCMR requesting an ETP for BRS CP. A review of her service record determined she was notified of her BRS CP eligibility and submitted the application with supporting documents with a signature date of 1 February 2021. The certifying official signed the application on 2 February 2021; however, the approving official did not sign the application until 3 November 2021. The NGB Incentive Branch denied the application on 4 April 2022 stating the approving authority needed to sign the application before the end of her eligibility window.

4. On 24 October 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

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. The applicant was notified of her BRS CP eligibility and submitted her application with supporting documents on 1 February 2021. The certifying official signed the application on 2 February 2021. The approving official did not sign the application until 3 November 2021, after the applicant had completed her 12th year of service. The delay in approval was administrative and not the fault of the applicant. The Board concurs with the advisory opinion that the applicant met eligibility requirements and that the delay should not prejudice her entitlement. Therefore, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 and Army National Guard records of the individual concerned be corrected by:

- 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
- DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

X //SIGNED//

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. 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, 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 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.

3. Deputy Secretary of Defense Memorandum dated 18 December 2019, 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.

//NOTHING FOLLOWS//