

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 November 2024

DOCKET NUMBER: AR20240001597

APPLICANT REQUESTS:

- Exception to Policy (ETP) for Continuation Pay (CP) in the Blended Retirement System (BRS) from May 2018
- receive matching back pay

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

- DD Form 149 (Application for Correction of Military Record)(online)
- Eight Emails

FACTS:

1. The applicant states he opted in for the BRS in May 2018 when he entered active duty. He has been working with Military Pay Technician US Army Financial Management Command. He was referred to fill out this application to be able to get his matching back pay for his retirement when he first entered the active duty. He would like to get his record to reflect he signed up for the BRS when he entered the Army in 2018 and receive his matching back pay. His records currently reflect he signed up for the BRS in 2022. He was receiving matching BRS pay when he first entered the military and it stopped. His Leave and Earning Statement (LES) reflected it. He has worked with multiple personnel with financial management and was told to submit a case due to them not being able to change it. He has not received a substantial amount of his matching retirement from his first four years of service.

2. The applicant provides:

a. An email, 21 June 2022 which shows he submitted a case to the Defense Finance and Accounting Service (DFAS) and never got it resolved. He did not understand why he was not opted in to the BRS when he entered the military. What is the process to get back paid and to get enrolled into the BRS? He had been working on this for over a year now and have seen no progress. He opted in for the BRS in May 2018 when he entered active duty.

b. Email 22 June 2022 shows that according to the Human Resources Command database the applicant was not enrolled in BRS. He should have 'opted-in' in 2018 when he was placed on the BRS eligibility list from 12 July 2018-31 December 2018. If he had not already been informed, he would need to request a BRS exception to policy. A sample to use was attached and give to his local personnel (S1) for signatures then send to [REDACTED] and Mr. [REDACTED] on the cc line.

c. Email traffic from the applicant to DFAS on :

(1) 8 November 2022 shows "SM needs to use MyPay link to opt in to BRS. No action can be taken at this time. Thank you." Go ahead and check your MyPay and look for the link to opt-in.

(2) 8 December 2022 shows "SM opted in to BRS November 2022 and matching contributions will start in December 2022 No action required. Closing case." "I guess you would have to wait till December LES is out. If you don't see anything, let me know."

(3) 8 December 2022, the applicant thanked DFAS and will look and see when Decembers LES is out. He was told DEFAS would be doing a matching/BRS case to get all his contributions back paid/ matched so he will get the proper gains/losses (based on the market each month) from when the matching would have started at the beginning of his active-duty service and it all would take a while to be corrected because it is a manual process from them.

d. Email: Subject: BRS, 22 February 2023, from DFAS shows Yes. They already processed it. "Submitted converge transactions for 06 Employee Data Record, Agency 1% contributions August-November 2022, and Matching August-November 2022."

e. Email, 6 March 2023 from DFAS shows they saw that they were giving the applicant's Agency Auto from September 2018-January 2019 and it stopped. So please let Ms. [REDACTED] know of this issue so they can amend the letter they generated for DFAS to back pay the applicant all the way to February 2019. Until then, DFAS can't do anything but to process the date that reflects on the applicant's document.

f. Email 6 March 2023 shows the applicant thought they submitted the case to get back paid all the way from the time he entered active duty in 2018 when he was getting the auto match, but they randomly stopped matching him.

3. The applicant's records show the following information:

a. DA Form 71 shows the applicant was appointed to the U.S. Army Reserve (USAR) on 11 May 2018 in the rank of second lieutenant/2LT.

b. DA Form 71 shows the applicant was appointed to the Regular Army as an Infantry Officer on 24 May 2018 in the rank of 2LT.

c. Order Number 110-083, 20 April 2022 shows the applicant was promoted to Captain/CPT with an effective date of 1 May 2022 and Date of Rank 1 May 2022.

d. His Officer Record Brief, 22 December 2022, Section III (Service Data) reflects, the applicant's Basic Active Service Date (BASD) as 24 May 2018 and his Pay Entry Basic Date (PEBD) as 24 May 2018. The applicant is currently serving on Active Duty.

e. The applicant's available service record is void of a Request for Continuation Pay Blended Retirement System (BRS), and any LESs.

4. In the processing of this case an advisory opinion was obtained from the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, who opined in pertinent part: After careful review of the information provided, this office does not support the applicant's request for retroactive enrollment into BRS, and subsequently back matching Thrift Savings Plan (TSP) funds. The opt-in eligibility period was available to the applicant during the period 12 July 2018, through 31 December 2018. There was no documentation or evidence presented that supports that BRS mandatory opt-in training was completed and opt-in to BRS via myPay was accomplished prior to the end of the opt-in eligibility period of 31 December 2018.

5. On 30 September 2024, the applicant responded, and he was thankful his case was reviewed. He understands he was not able to locate the documentation for the BRS opt in training taken on Joint knowledge Online (JKO) in 2018. However, when he commissioned and in processed during initial active duty at Fort Benning, GA. He took the training and opted into BRS, and the pay office processed this. He has taken training, and it does not record in JKO previously and he knew this is an issue. If his LES during 2018-2019 is looked at, one can see he received the matching contributions that fall, into the correct timeframe one is supposed to receive the matching contributions and he was enrolled into BRS.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's PEBD is 24 May 2018. The applicant has not provided a Request for Continuation Pay Blended Retirement System (BRS). The Army G-1 opined that their office does not support the applicant's request for retroactive enrollment into BRS, and subsequently back matching TSP funds. The opt-in eligibility period was available to the applicant during the period 12 July 2018 through 31 December 2018. The Board

disagreed with the advisory official's determination. While it is true the applicant does not provide the appropriate form indicating commitment to serve the additional years or the method of payment, the Board also noted that the applicant did in fact complete training and opted into BRS, and the pay office processed this matching contributions during 2018-2019 timeframe. It is unclear why he dropped off the BRS system. Additionally, given the lack of information disseminated to Soldiers during the early stages of this program, the Board determined as matter of equity, relief is warranted.

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 the evidence presented is 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:

- showing the applicant timely submitted his Request for Continuation Pay – Blended Retirement System (CP – BRS) prior to 31 December 2018
- showing the appropriate office timely received and processed his approved request for CP BRS
- paying the applicant based on the appropriate pay grade in from the appropriate pay scale, less applicable federal and state taxes (DFAS determines the exact amount), provided all other statutory and regulatory criteria is met

11/18/2024

X

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:

Department of Defense Financial Management Regulation, Volume 7B states pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, as amended by the NDAA FY 2017, the Department of Defense established the modernized retirement system, commonly known as the BRS. The BRS is the retired pay system for all Service members who entered military service on or after 1 January 2018. All members serving as of 31 December 2017 were grandfathered under the applicable legacy retirement system. The law permits active-duty Service members with less than 12 years of service on 31 December 2017, the option of electing to be covered under the BRS or to remain with their applicable legacy retirement system. The law provides a one-year election period for those Service members eligible to opt into the BRS from 1 January 2018 and ends on 31 December 2018. The decision to opt into the BRS is irrevocable.

//NOTHING FOLLOWS//