

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 December 2024

DOCKET NUMBER: AR20240002337

APPLICANT REQUESTS: correction of his record to show he is eligible to be paid Continuation Pay (CP) Blended Retirement System (BRS).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he and his entire unit were never briefed about CP BRS, he just received information regarding the program during a Soldier readiness processing during a unit training assembly during the weekend of 3 through 4 February 2024. Since then, not only has he been working with his unit and incentive managers to get his situation corrected, but to also make sure all Soldiers are properly educated about CP BRS to prevent anyone else from missing out on this opportunity.
3. A review of the applicant's service record shows:
 - a. On 14 December 2009, the applicant enlisted in the Army National Guard (ARNG) of the United States and has continuous service through extensions or reenlistments.
 - b. Enlisted Record Brief shows the applicant's Pay Entry Basic Date as 14 December 2009. The Basic Active Service Date is blank.
 - c. Throughout the applicant's service he has been ordered to active duty for training and in support of Operation Enduring Freedom multiple times.
 - d. On 14 December 2017, the applicant obtained 8-years of service.

e. On 31 December 2017, Soldiers with fewer than 12-years of service were eligible to opt into BRS.

f. On 1 March 2021, the applicant was promoted to the rank/grade of sergeant first class/E-7.

g. On 14 December 2021, the applicant obtained 12-years of service.

4. On 2 December 2024, in the processing of this case, the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion regarding the applicant's request to be paid CP BRS. The advisory official recommended approval of the applicant's request. A review of the applicant's service record and communication with [REDACTED] Army National Guard shows the applicant was never briefed on CP BRS. The applicant met the prescribed eligibility requirements on 13 December 2021 in accordance with the CP BRS Calendar Year (CY) 2022 guidance. The applicant's Defense Finance and Accounting Records shows he opted into BRS on 11 January 2018.

5. On 5 December 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

6. On 19 December 2024, the applicant provided the CP BRS request form which stated as a member of the ARNG he requested to received CP BRS under the CY22 Policy Guidance. The applicant would receive a one-time lump sum payment that would be four times his monthly basic pay for his current grade, and he agreed to an additional 4-year service obligation. The request was signed by the applicant and the approval authority but was missing the certifying official's signature.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendation outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to correct the applicant's record to show he is eligible to be paid Continuation Pay (CP) Blended Retirement System (BRS).

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 Army records of the individual concerned be corrected by amending the applicant's record to show he is eligible to be paid Continuation Pay (CP) Blended Retirement System (BRS) at the rate determined by the Defense Finance and Accounting Service.

3/31/2025

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:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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.

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.

3. Title 37 United States Code (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.

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.

4. Deputy Secretary of Defense Memorandum dated 27 January 2017, 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.

5. Army Regulation (AR) 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.

6. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 27 January 2022, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2022 (CY22) states the guidance was effective on 1 January 2022 and expired on 31 December 2022 and it applied to Regular Army (RA), Army National Guard (ARNG) /Army National Guard of the United States (ARNGUS), and the U.S. Army Reserve Soldiers who were covered under the BRS.

For eligibility for RA and Active Guard Reserve Soldiers:

- covered under the BRS and has not previously received CP BRS; and
- has completed no less than 8-years and not more than 12-years of service during the CY22 as computed from the Soldier's PEBD
- eligible to enter into an agreement to 4-year service the obligation period

For eligibility for Army Reserve and Army National Guard Soldiers:

- covered under the BRS and has not previously received CP BRS; and
- has completed no less than 8-years and not more than 12-years of service during the CY as computed from the Soldier's PEBD
- member of the Selected Reserve or otherwise a member of the Ready Reserve and eligible to receive basic pay or inactive duty pay; and
- eligible to enter into an agreement to 4-year service the obligation period

//NOTHING FOLLOWS//