

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 January 2025

DOCKET NUMBER: AR20240003018

APPLICANT REQUESTS: Exception to Policy for Continuation Pay (CP) under the Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- Financial Documents dated 1 November 2023 through 9 January 2024
- Leave and Earnings Statement (LES), pay date 22 December 2023
- Automated Record Brief, 6 March 2024

FACTS:

1. The applicant states:

a. His situation is somewhat unique due to his transition across various components of the Army while managing his civilian career. He served on active duty for about 9 years, and then in a span of three years, from 2020 to present, he moved from active duty to the California Army National Guard (CAARNG), then to the Individual Ready Reserve (IRR), and now he serves in the U.S. Army Reserves (USAR). This transition period and his focus on adapting to civilian life contributed to him missing the window for the CP request. His Pay Entry Base Date (PEBD) as shown by his LES indicates 10 June 2011 and he believes this date should be adjusted to a date after 1 January 2012. This inaccuracy is preventing him from applying and requesting CP under the BRS program, as with a PEBD date of 10 June 2011, he would exceed the 12th year of service suspense date.

b. He entered active-duty service on 10 October 2011 which can be provided by his military orders and records. Although he commissioned through Reserve Officers' Training Corps (ROTC) in June 2011, he did not start his active-duty service until October 2011. Furthermore, his transition from active duty to the CAARNG occurred on 1 August 2020 and 2 August 2020 (first day of the ARNG). He then later transitioned to the IRR on 1 June 2022. He did not serve in an active reserve capacity or accrue any retirement points during this time. Lastly, he transitioned to the USAR on 9 June 2023. He currently serves in the USAR as an ROTC instructor. Throughout his transition from

active duty to the ARNG and now to the USAR, while navigating his civilian career, his dedication to serving his country has remained unwavering. This request for an exception to policy represents his ongoing commitment to his profession and the personal sacrifices made to pursue excellence in the Army and endeavors as a citizen in American society.

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

a. On 15 July 2006, the applicant enlisted in the USAR.

b. Orders Number 11-0133-21, dated 20 May 2011, issued by the University of Southern California, Department of Military Science, released the applicant from the ROTC program and USAR to accept a commission in the U.S. Armed Forces with an effective date of 20 May 2010.

c. Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army, dated 21 May 2011, appointed him as a Reserve commissioned officer and on 21 May 2011, he executed an oath of office.

d. Orders Number 081-011, dated 22 March 2013, issued by Headquarters, U.S. Army Human Resources Command (AHRC), shows he was promoted to the rank/grade of first lieutenant (1LT)/O-2, with a Date of Rank (DOR) of 10 April 2013.

e. Orders Number 293-024, dated 20 October 2015, issued by Headquarters, AHRC, shows he was promoted to the rank/grade of captain (CPT)/O-3, with a DOR of 7 October 2015.

f. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows that the applicant entered active duty this period on 10 October 2011 and was honorably released from active duty on 1 August 2020 for completion of required active service and subsequent reassignment to 18th Cavalry, 79th Infantry Brigade Combat Team.

g. Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army, dated 2 August 2020, appointed him as a Reserve commissioned officer for an indefinite term. National Guard Bureau (NGB) Form 337 (Oaths of Office) dated 2 August 2020 was executed indicating temporary federal recognition in the rank/grade of CPT/O-3 in the CAARNG.

h. Special Orders Number 58 dated 10 March 2021 transferred him from the USAR to Headquarters and Headquarters Troop, 1st Battalion, 18th Cavalry with the CAARNG, effective date of 2 August 2020.

i. The applicant's Officer Record Brief shows his PEBD as 10 June 2011 and his BASD is 10 October 2011.

j. Special Orders Number IP-3194, dated 5 October 2021, issued by the NGB, shows he was Federally recognized in the ARNG, and he was promoted to the rank/grade of major (MAJ)/O-4, with a DOR of 30 September 2021.

k. Orders Number 0001927703 dated 18 July 2022, transferred him to the USAR Control Group (IRR) with an effective date/report time of 2 June 2022.

l. The applicant completed 12 years of service on 10 June 2023.

m. The available service record is void of a completed CP (BRS) Request Form.

n. Retirement Accounting Statement dated 8 August 2024, shows the applicant's PEBD date as 21 May 2011.

3. The applicant provides:

a. Financial Documents dated 1 November 2023 through 9 January 2024, which shows a Thrift Savings Plan (TSP) statement and a LES dated date of 22 December 2023, indicating at the time he had 12 years of service and no data/entry in the retirement plan block.

b. Automated Record Brief dated 6 March 2024, shows his current component of the USAR and he was promoted to the rank/grade of MAJ/O-4, with a DOR of 30 September 2021.

4. On 6 December 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, they do not support the applicant's request for CP. The applicant does not present proof of a completed, certified, and approved Calendar Year 2023 (CY23) application to support a claim of CP.

b. The applicant stated his PEBD is in error, which would require a submission of a Department of Defense Form 1506 (Statement of Service) in accordance with 1.d to correct it. The correct PEBD is required to determine the correct pay used in the computation of CP.

5. On 9 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. On 9 December 2024, by memorandum, the applicant responded to the advisory opinion and stated:

a. He respectfully requests the Board's reconsideration of his application for CP BRS. While he understands the concerns raised in the advisory opinion regarding his PEBD and the timing of his CP packet submission, he would like to provide additional context for consideration.

b. He left active duty after serving for approximately 9 years and transitioned into the CAARNG and then transferred to IRR, fully intending to leave the military to focus on a civilian career. However, he has since recommitted to military service, and he now serves in the Army Reserves. This role is one of immense responsibility, and he takes great pride in leading and supporting his Soldiers while contributing to the Army.

c. CP is essential not only for its financial benefits but also for incentivizing service members like himself who recommit to military service after periods of transition. Missing out on this opportunity represents a significant opportunity cost for him and his family, especially given his current leadership role and his dedication to continued service.

d. His retirement points statement, which he is attaching for your review, accurately reflects his service and PEBD date. He respectfully requests that the Board consider the totality of his service, including his transition and return to military service and his unwavering commitment to the Army Reserve.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 request, available military records and Office of the Deputy Chief of Staff, G-1- Compensation and Entitlements Division advisory opinion, the Board concurred with the advising official recommendation for disapproval for Continuation Pay (CP) finding the applicant has not met the administrative requirements necessary to support a CP claim.

2. The Board noted, although the applicant has completed 12 years of service and continues to serve in the U.S. Army Reserve. The applicant did not submit a completed and certified CP Request Form for Calendar Year 2023, nor did he provide documentation to support correction of his Pay Entry Base Date (PEBD), which is essential for determining eligibility. The Board acknowledges the applicant's recommitment to military service and his leadership contributions, CP eligibility is

contingent upon timely and accurate submission of required documentation. However, in the absence of such documentation and a verified PEBD, the Board denied relief for CP.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

X //SIGNED//  
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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.

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//