

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 December 2024

DOCKET NUMBER: AR20240003116

APPLICANT REQUESTS: correction of her record to show she 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) hardcopy
- 295th Signal Network Support Company Memorandum, Subject: BRS CP Eligibility for Major (MAJ) C-B- (the applicant)
- 149th Maneuver Enhancement Brigade (BDE) Memorandum, Subject: BRS CP Eligibility – MAJ C-B- (from the applicant)
- 149th Maneuver Enhancement BDE Memorandum, Subject: BRS CP Eligibility for MAJ C-B-

FACTS:

1. The applicant states she opted into the BRS program in 2017 and she was not aware that CP BRS existed nor was she informed through her chain of command when she was assigned to the North Carolina Army National Guard (NCARNG). The unit Readiness Noncommissioned Officer (NCO) for her unit was never notified of her eligibility nor was the Readiness NCO trained on the program or the procedures for processing a CP BRS request. She completed an interstate transfer to the Kentucky (KY) ARNG in 2023, which is the first time she heard about CP BRS. However, she was already outside the eligibility period. If she was informed of the benefit, she would have submitted the request in accordance with policy and regulation. She takes great pride in being a member of the ARNG and is dedicated to continuing to serve her state and nation.

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

- a. On 1 August 2011, the applicant enlisted in the ARNG.
- b. On 19 December 2014, Orders Number 01-353, issued by the Department of Military Science University of Colorado at Boulder, the applicant was discharged from

the U.S. Army Reserve, Reserve Officers' Training Corps effective 19 December 2014 to accept a commission in the U.S. Armed Forces.

c. On 14 January 2015, the applicant executed her oath of office and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1. She was subsequently appointed in the COARNG.

d. On 30 January 2015, Orders Number 030-002, issued by the COARNG, the applicant was honorably discharged from the ARNG, effective 13 January 2015 to accept a commission.

e. On 4 February 2015, Special Orders Number 24, issued by the National Guard Bureau (NGB), the applicant was appointed in the COARNG, effective 14 January 2015.

f. On 1 August 2023, the applicant reached her 12 years of service as calculated based on her Pay Entry Base Date (PEBD).

g. Soldier Management Services - WEB Portal shows the applicant's PEBD is 1 August 2011.

3. The applicant provides:

a. 295th Signal Network Support Company Memorandum, Subject: BRS CP Eligibility for MAJ C-B- (the applicant), dated 9 February 2024, stated the applicant was a member of the NCARNG during the period of 2021 through 2023. She was never notified of her eligibility for the CP BRS.

b. 149th Maneuver Enhancement BDE Memorandum, Subject: BRS CP Eligibility – MAJ C-B- (from the applicant), dated 16 February 2024, stated the same information she provided on her application.

c. 149th Maneuver Enhancement BDE Memorandum, Subject: BRS CP Eligibility – MAJ C-B- (the applicant), dated 4 March 2024, the commander stated in December 2021, his staff received the initial calendar year 2022 (CY 22) by name eligibility list for CP BRS. His leaders began to inform their Soldiers during the period of December 2021 through December 2022 of their eligibility. His staff completed the CP BRS contracts for four Soldiers. In March 2023, his staff received the CY 23 CP BRS policy and the eligibility list. Throughout the year, his staff emphasized the importance of Retirement Points Accounting Manager reviews during the Soldier Readiness Process events in order to verify the accuracy of the Soldier's PEBD. During CY 23, his staff completed the CP BRS contracts for five Soldiers. On or about 10 July 2023, the applicant was approved for an interstate transfer from the NCARNG to the KYARNG with the effective date of 3 August 2023. At the time of her reassignment, she was on maternity leave for

the first 12 inactive duty training periods, due to this she was not required to report to her new unit until December 2023. In January 2024, his staff received the CY 24 CP BRS eligibility list which had shown the applicant's eligibility window expired on 1 August 2023. He is confident that if the applicant had known about CP BRS, she would have completed the required contract.

4. On 16 September 2024, in the processing of his case, the NGB provided an advisory opinion regarding the applicant's request for retroactive CP BRS. The advisory official recommend her request be approved. Based on the applicant's claims, there was a clear miscommunication of information by her unit. Due to no fault of her own, she did not get her CP BRS paperwork processed correctly or on time. The KYARNG realized the mistake and fully supports her request. For, these reasons, it is recommended the applicant's request be approved. Based, on her records, she met the requirements for CP BRS as outlined in the implementation guidance.

5. On 19 September 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion.

6. On 20 September 2024, the applicant responded via email, she stated she did not have any additional comments to add to the advisory opinion.

7. On 27 November 2024, the applicant provided a completed CP BRS request form showing her rank/grade at the time was CPT. She opted for 4x her monthly base pay for four additional years of obligated service based on the calendar year 2023 CP BRS guidance to be paid in a lump sum.

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 review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the National Guard Bureau, Chief, Special Actions Branch advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 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

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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 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.

3. 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.

4. 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.

5. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 2 March 2023, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective on 1 January 2023 and expired on 31 December 2023 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 CY23 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 CY23 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//