

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240003130

APPLICANT REQUESTS: payment of Blended Retirement System Continuation Pay (BRS CP) after his 12th year of service. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Blended Retirement System Continuation Pay Calendar Year 2023 showing the requirements to qualify for BRS CP

FACTS:

1. The applicant states in part:

- As a lieutenant with prior enlisted service with 13 years of service, he recently became aware of the BRS CP
- There is a lack of comprehensive information and promotion of BRS CP
- Despite his earnest efforts to seek information, he encountered significant challenges due to limited visibility and absence from regular briefings and official communications
- His awareness came about in August 2023 when he received a memorandum dated 29 March 2023 detailing eligibility criteria, payment amounts, additional service obligations, and procedural guidance

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

- On 27 May 2010, the applicant enlisted in the Army National Guard (ARNG) and served through multiple extensions prior to his commissioning
- On 25 August 2018, the applicant was appointed as a Reserve commissioned officer and executed an oath of office in the rank/grade of second lieutenant (2LT)/O-1
- On 23 April 2019, Special Orders Number 110 extended Federal recognition for the applicant's initial appointment in the ARNG, effective 25 August 2018

- On 25 November 2020, Special Orders Number 358 extended Federal recognition for the applicant's promotion to the rank/grade of first lieutenant 1LT/O-2, effective 25 February 2020
- The applicant remains in the USAR

3. On 29 January 2025, in the processing of this case, the National Guard Bureau, Chief Special Actions Branch, provided an advisory opinion recommending approval and stating:

a. The BRS went into effect on 1 January 2018. It effected all new service members who joined the service after 1 January 2018. All other members who were serving as of 31 December 2017 were grandfathered under the Army legacy system. The objective of BRS-CP is to offer midcareer service members a financial incentive to remain in their service in exchange for committing to at least four more years. Time of service is calculated from the service member's Pay Entry Base Date (PEBD). The current law does not allow for the acceptance of a CP contract beyond the 12th year of service for active-duty Soldiers, or any member of the Reserve Component of a Uniformed Service who has accumulated higher than 4320 retirement points.

b. Each state Retirement Service Officer verifies and certifies eligibility for BRS-CP. The applicant opted into BRS on 8 January 2018 according to Headquarters Department of the Army (HQDA) , and therefore was eligible for to apply BRS-CP between 27 May 2021 and 26 May 2022. Through no fault of the applicant, he did not receive notification of his eligibility to apply until the suspense had already passed. Due to lack of education on the process of BRS, and miscommunication timelines at the State level he was unaware the BRS-CP incentive timeline and missed the application date. No one in his higher headquarters was tracking his BRS-CP eligibility and therefore as per his claim he was never made aware of when he became eligible to apply for the entitlement.

c. BRS-CP is an entitlement from the Department of the Army and is restricted to the criterion of Title 37, United States Code, Section 356, therefore the National Guard Bureau is unable to approve an exception to policy without adjudication by the ABCMR. This office recommends approval of his request for payment of BRS-CP due to eligibility and circumstances beyond his control which prevented payment.

d. The opinion was coordinated with the assistance of the HQDA, G9, Financial Education Program Manager. The Kansas Army National Guard was asked to provide input, but none was given.

4. On 31 January 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

BOARD DISCUSSION:

1. 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 advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS between 27 May 2021 and 26 May 2022.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XX	:XX	:XX	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 records of the individual concerned be corrected by:

- showing the applicant was in receipt of a completed BRS 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

 //signed//

CHAIRPERSON
Signed by:

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 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 AGR 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. The multiple for a full TSP member who is a member of a Reserve Component not performing AGR duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a Regular Component. 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
- in the case of a member of a Reserve Component—the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a Regular Component multiplied by 0.5

2. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//