

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 January 2025

DOCKET NUMBER: AR20240003138

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

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

- DD Form 149 (Application for Correction of Military Record)
- 2x Leave and Earnings Statements (LES)
- Request for CP (BRS)
- Email; Subject: BRS Continuation Pay

FACTS:

1. The applicant states he was recently made aware of the CP BRS entitlements program and for which he would have applied if he was aware. This policy took effect 1 January 2023. At the time of application, he was less than 60 days past the current policy's entitlement window. This entitlement would be a great incentive to continue service.

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

a. On 21 January 2011, he enlisted in the Army National Guard (ARNG) for a term of 8 years.

b. Appointment memorandum dated 16 November 2015 appointed him as a Reserve Commissioned Officer of the United States with an effective date of 8 May 2015.

c. Orders Number A-11-702342 issued by the U.S. Army Human Resources Command on 7 November 2017 ordered him to active duty in an indefinite status.

d. Orders Number 342-7 honorably discharged him from the ARNG, effective 5 December 2017.

e. On 6 December 2017, he executed an oath of office as a Regular Army commissioned officer.

f. At the time the applicant qualified for CP, he held the rank of captain/O-3 with a date of rank of 1 September 2019.

g. He completed his 12th year of service on 21 January 2023.

3. The applicant provides:

a. Two LES from December 2023 and January 2024 that show he is enrolled in the BRS.

b. A Request for CP (BRS) application that shows he requests two and a half times the monthly basic pay for his current pay grade and years of service in agreement to an additional obligated service of four years to be paid in a lump sum. The request was endorsed by the applicant on 23 February 2024, and the certifying official and approval authority on 1 March 2024.

c. Email correspondence between the applicant and a Program Analyst from the Office of the Deputy Chief of Staff, G-1, Compensation and Entitlements Division on 22 February 2024, in which he inquires on guidance to take advantage of the BRS Continuation Pay Incentive. The Program Analyst advises him to submit his request to the ABCMR.

4. In the processing of this case, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division provided an advisory opinion pertaining to CP BRS.

a. After careful review of the information provided, we recommend approval in the interest of fairness and equity. The applicant's request reflects a requested date of 23 February 2024; however, the entitlement date should be based on the end point for the 12th year of service on 21 January 2023. His request for payment of CP should be made based on end point of the CP application, which is the date the applicant would have been otherwise qualified in accordance with reference 1.c.

b. Block 6 (Control Number) should be entered as CP2301001.

c. If the Board grants administrative relief, the payment should be based on the pay grade of O-3 with 12 years for pay purposes from the 2023 pay scale ( $\$7,701.60 \times 2.5 = \$19,254.00$ , gross entitlement, less 22 percent federal withholding taxes).

5. On 29 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

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, the findings and recommendations outlined in the G1 advisory opinion and the lack of rebuttal of those findings and recommendation submitted by the applicant, the Board concluded there was sufficient evidence to correct the applicant's record to show he made a timely submission to be paid Continuation Pay Blended Retirement System (CP 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 showing the applicant made a timely submission for Continuation Pay Blended Retirement System, and he be paid utilizing the terms outlined above in the G1 advisory opinion.

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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.

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//