

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240003164

APPLICANT REQUESTS: exception to policy (ETP) to opt into the Blended Retirement System (BRS).

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

- Online Application
- memorandum, Office of the Under Secretary of Defense, dated 22 January 2019
- memorandum, Office of the Deputy Chief of Staff (DCS), G-1, dated 22 May 2019
- memorandum, Office of the DCS, G-1, dated 28 May 2019
- All Army Activities (ALARACT) Message 050/2019, dated 12 July 2019
- Certificate, BRS Opt-In Course, dated 25 January 2020
- DA Form 4187 (Personnel Action), ETP for BRS Enrollment, dated 29 March 2022
- memorandum, ETP Denial, dated 10 February 2023
- letter, Office of the DCS, G-1, Compensation and Entitlements Division, dated 29 January 2024

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 was not given the opportunity to attend training and opt into the BRS during 2018 because he was in advanced individual training (AIT). During his AIT phase, they were unable to see MyPay; they were not able to utilize laptops; nor did they receive training on BRS. It was not until he spoke with a financial advisor at Fort Leonard Wood that he became aware of BRS. Policies have since come out for individuals who did not have access to the training. He would like a fair opportunity to choose BRS for his financial security when he retires.

3. The applicant enlisted in the Regular Army on 25 July 2017, for a 6-year period. He entered active duty on that same date at Fort Jackson, SC.
4. Orders Number 244-415, issued by Headquarters, U.S. Army Training Center, Fort Jackson, SC, on 1 September 2017, show he was ordered to proceed on permanent change of station (PCS), on or about 6 October 2017, to Fort Sam Houston, TX, for the completion of AIT. His course of instruction was expected to last 20 weeks or more.
5. Upon completion of Phase I, he was ordered to attend Phase II of AIT from 13 June 2018 to 19 December 2018. He was awarded military occupational specialty 68K (Medical Laboratory Specialist), effective 19 December 2018, upon graduation.
6. The applicant reenlisted in the Regular Army on 25 July 2022, for a 4-year period. He is currently serving on active duty in the rank/grade of sergeant/E-5.
7. The applicant's service record is void of information regarding opting into the BRS.
8. The applicant provides the following:
 - a. A memorandum from the Office of the Under Secretary of Defense, dated 22 January 2019, provides for an ETP granting authority to retroactively enroll certain eligible servicemembers into the BRS.
 - b. Two memoranda from the Office of the DCS, G-1, dated 22 May and 28 May 2019, provides the conditions under which the DCS, G-1, can approve the extension of the time period for enrollment in the BRS; and authorized the Secretary of the Army to retroactively adjust the enrollment date of a Soldier in situations where the Army incorrectly identified the member's BRS opt-in eligibility, resulting in financial loss to the Soldier.
 - c. ALACRACT Message 050/2019, dated 12 July 2019, provides the implementation guidance for ETP to retroactively enroll certain eligible Soldiers into the BRS and for hardship extensions of the enrollment period.
 - d. A certificate of training shows the applicant completed the BRS Opt-In Course on 25 January 2020.
 - e. A DA Form 4187, dated 29 March 2022, shows the applicant requested a discretionary hardship to enroll into the BRS. He stated that during the enrollment period, he was not able to access the website or follow the designated procedures for making the election due to circumstances beyond his reasonable control.

f. A memorandum from the Office of the DCS, G-1, dated 10 February 2023, denied the applicant's request for an ETP to the BRS opt-in window. The memorandum further stated the opt-in window was available on MyPay from 1 January 2018 through 31 December 2018. The opt-in window expired, and the applicant was no longer eligible to opt-in.

g. A letter from the DCS, G-1, Compensation and Entitlements Division, dated 29 January 2024, to the Office of Representative [REDACTED] provided an explanation as to why the applicant's request for an ETP was disapproved.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant completed training on the BRS program in January 2020 and failed to submit a timely submission until March 2022, the Board concluded there was insufficient evidence of an error or injustice warranting granting an ETP allowing the applicant to enroll in BRS.

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.

//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.

REFERENCES:

1. Title 10, U.S. Code (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 Army Board for Correction of Military Records (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, dated 25 November 2015, Section 631 (Modernized Retirement System for Members of The Uniformed Services) (a) Regular Service, in the case of a member who first becomes a member of the uniformed services on or after 1 January 2018, or a member who makes the election. (B) Election to Participate in Modernized Retirement System, a member of a uniformed service serving on 31 December 2017, who has served in the uniformed services for fewer than 12-years as of 31 December 2017, may elect, in exchange for the reduced multipliers for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions. (C) Election Period, (i) a member of a uniformed service may make the election authorized only during the period that begins on 1 January 2018 and ends on 31 December 2018. (ii) Hardship Extension, the Secretary concerned may extend the election period for a member who experiences a hardship as determined by the Secretary concerned.

3. Title 10, USC, Section 1409 (Retired pay multiplier), b (4) (Modernized retirement system), (A) Reduced multiplier for full tsp members, in the case of a member who first becomes a member of the uniformed services on or after 1 January 2018, or a member who makes the election. (B) (Election to participate in modernized retirement system), a member of a uniformed service serving on 31 December 2017, who has served in the uniformed services for fewer than 12-years for purposes of calculating the retired pay of

the member, to receive Thrift Savings Plan contributions. (C) (Election period), a member of a uniformed service may make the election authorized only during the period that begins on 1 January and ends on 31 December 2018. (ii) (Hardship extension), the Secretary concerned may extend the election period for a member who experiences a hardship as determined by the Secretary concerned.

4. Deputy Secretary of Defense memorandum dated 27 January 2017, Subject Implementation of the Blended Retirement System, implements guidance for the Blended Retirement System for the Uniformed Services. Attachment 1 (Guidance for Implementation of the Blended Retirement System (BRS) for the Uniformed Services), Paragraph 9 (Enrollment), a. Enrollment Period, (1) A member of a Uniformed Service who qualifies to enroll in the BRS under any of the provisions outlined in paragraphs 6.b.(2) through 6.b.(6) may make the election to enroll on or after 1 January 2018 through 31 December 2018. b. (Procedures for Enrollment), (1) A member of a Uniformed Service who is eligible to enroll in the BRS must complete the mandatory training on opting into the BRS provided by the ASD(R), in accordance with procedures prescribed by the Secretary concerned, prior to making an election to enroll. (2) For members of the Army, Navy, and Air Force, enrollment in the BRS shall be completed on the "MyPay" website (<https://mypay.dfas.mil/>) in accordance with procedures separately promulgated by the Defense Finance and Accounting Service (DFAS). (3) The decision to elect to enroll in the BRS is irrevocable. (4) Prior to making the election to enroll in the BRS, members of the Uniformed Services who are eligible and who choose to enroll in the BRS, must affirm on the MyPay website, or through procedures specified by the Secretary concerned that they have completed the mandatory training and that they acknowledge the decision to enroll in the BRS is irrevocable.

5. Uniformed Services Blended Retirement System Policy, Paragraph 9 (Enrollment), a. Enrollment Period. (1) A member of a Uniformed Service who qualifies to enroll in the BRS may make the election to enroll on or after 1 January 2018, through 31 December 2018. (2) A member who, but for a break in service, would otherwise be eligible to elect to enroll in BRS who returns to service with a Uniformed Service on or after 2 December 2018, following a break in service that commenced prior to 1 December 2018 may make an election to enroll in the BRS: For members returning to the active component (AC) or affiliating in a paid status with the Reserve Component (RC) after separating from the AC, within 30-days of reentry; or, for members returning to a paid status in the RC following a break in service in the RC, no later than 31 December 2018, or 30-days from the date of reentry, whichever is later. (3) The terminal date of the election period may be extended, by approval of the Secretary concerned, in certain situations.

//NOTHING FOLLOWS//