

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240003201

APPLICANT REQUESTS: enrollment into the Blended Retirement System (BRS) and to be paid Continuation Pay (CP).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Delegation of Authority: BRS Enrollment Period Extension and Enrollment Date Adjustment
- All Army Activities (ALARACT) Message Number 050/2019
- Calendar Year (CY) 2023 BRS Continuation Pay Flyer
- Memorandum, Subject: BRS CP Provision Procedures Calendar Year 2023 (CY23)
- Two Leave and Earnings Statements (LES)
- BRS Opt-In Course Certificate
- Request for CP (BRS)
- DD Form 577 (Appointment/Termination Record)
- U.S. Army Reserve (USAR) Form 22-R (Adjustment Certification Worksheet)
- DA Form 4856 (Developmental Counseling Form)
- DA Form 4187 (Personnel Action)
- Memorandum, Subject: BRS CP - Calendar Years 2024/2025 (CY24/CY25) Implementation Guidance
- AMPO Local Form 18-R (Unit Transmittal Letter)

FACTS:

1. The applicant states she was never enrolled into the BRS and was never given the option until recently when she joined the Active Guard/Reserve (AGR) program in 2019. She would like to enroll into the BRS retirement plan and request CP, along with an additional service obligation of four years in the USAR.

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

a. She enlisted in the USAR on 10 September 2013. Her Pay Entry Basic Date (PEB) is established as 10 September 2013.

b. On 13 January 2014, she was ordered to Active Duty for Training (ADT). She was honorably released from ADT on 31 May 2014. She completed 4 months and 18 days of active service.

c. On 15 September 2018, she reenlisted in the USAR for a term of 6 years. On 31 July 2019, Orders Number R-07-904616 issued by the U.S. Army Human Resources Command (AHRC) ordered the applicant to an AGR status for a period of three years.

d. On 18 April 2022, AHRC issued Orders Number R07904616A01 amending Orders R-07-904616 changing her active duty commitment to 9 September 2025.

e. The applicant's records are void of any documentation pertaining to commissioning or participating in the Health Professions Scholarship Program (HPSP).

3. The applicant provides:

a. Memorandum, Subject: Delegation of Authority: BRS Enrollment Period Extension and Enrollment Date Adjustment, 28 May 2019, issued by the Office of the Deputy Chief of Staff, G-1. This document allowed for the extension of the time period for enrollment in the BRS. Item 2d specifically addresses the "inability to complete the mandatory Opt-In training due to circumstances beyond the control of the Soldier."

b. ALARACT Message Number 050/2019 that discusses the implementation guidance for exception to policy to retroactively enroll certain eligible Soldiers in the BRS and hardship extension of the enrollment period.

c. A BRS CP flyer for CY 2023 that shows example rates of payouts for USAR Soldiers.

d. Memorandum, Subject: BRS CP Provision Procedures CY23, 1 May 2023, issued by Office of the Chief of Army Reserve which provides guidelines for CP BRS.

e. Two LES statements, August 2023 and July 2024, showing she was in the "choice" retirement plan and was participating in the Thrift Savings Plan (TSP).

f. A Joint Knowledge Online certificate of completion for the BRS Opt-In Course, awarded to the applicant on 14 October 2023.

g. Request for CP (BRS), requesting a lump sum payment in the amount of 2.5 times the monthly basic pay for her current rank/pay grade of sergeant/E-5 and 4 years of additional obligated service, to be paid in a lump sum. The form was endorsed by the applicant and a certifying official (Mr. J- M-). It is not signed by the approval authority.

h. DD Form 577, that shows the Headquarters and Headquarters Detachment (HHD), 1190th Transportation Surface Brigade commander appointed Exxx Mxxx as a certifying officer for receiving and processing all pay related actions for Soldiers assigned to the 1190th HHD to the Defense Military Pay Office.

i. USAR Form 22-R, requesting the processing of CP for the applicant, dated 29 November 2023, and endorsed by the 1190th's HHD appointed certifying officer.

j. DA Form 4856, dated 20 November 2023, that counseled the applicant on her eligibility for CP. In the counseling, she certified that she:

- Elected to participate in the BRS through her MyPay account
- Completed no more than 12 years of service, as calculated by the Pay Entry Base Date (PEBD) prior to her enrollment in the BRS
- Is a member of the Selected Reserve, or otherwise a member of the Ready Reserve in a status in which she is eligible to receive basic pay or inactive duty pay, when otherwise eligible in accordance with criteria published by the Secretary
- Requests CP and agrees to serve and be eligible to enter into an agreement to serve no less than 4 years
- Acknowledges her request for CP BRS must be approved prior to completing 12 years of service, as calculated by the PEBD

k. DA Form 4187 dated 1 December 2023, where the applicant requests an exception to policy to be enrolled into the BRS. The applicant's commander endorsed the request on 5 December 2023 and recommended approval.

l. Memorandum, Subject: BRS CP - CY24/CY25 Implementation Guidance, issued by the Assistant Secretary of the Army, Manpower and Reserve Affairs providing eligibility for the BRS CP.

m. A partial (page 1 of 2) AMPO Local Form 18-R dated 11 January 2024, for the applicant pertaining to her BRS request.

4. On 5 November 2024, the Deputy Chief of Staff, G-1, Financial Management Specialist, Military Pay Branch, provided an advisory opinion for this case. The advisory opinion recommends the Board return the applicant's request for exception to policy for BRS without action. The applicant's reason for missing BRS enrollment is unclear. The applicant's reason for not selecting to enroll in BRS in 2018 is because she was enrolled in the HPSP. However, her records do not show she was a commissioned officer participating in the HPSP.

5. On 7 November 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. On 18 November 2024, the applicant responded to the advisory opinion and states she believes there may be some confusion, as she has never been a commissioned officer or ever enrolled in the HPSP. She has never been enrolled as a medical student, nor received a monthly stipend from the Army. Additionally, she was never presented the opportunity to enroll in the BRS.

6. In addition to the statement, the applicant provides the following in response to the advisory opinion:

- Statement of Understanding the Montgomery GI Bill Selected Reserve, endorsed by the applicant on 10 September 2013.
- DA Form 3540 (Certificate and Acknowledgement of U.S. Army Reserve Service Requirements and Methods of Fulfillment), that shows she immediately reenlisted in the USAR, endorsed by the applicant on 15 September 2018.
- DA Form 5261-4 (Student Loan Repayment Program Addendum) endorsed by the applicant on 15 September 2018; shows a maximum of \$10,000.00 in loan repayments, not to exceed \$50,000.00, with a 6 year reenlistment obligation.
- USAR Reenlistment Bonus Addendum (Selected Reserve Incentive Program – USAR Reenlistment Bonus Addendum) endorsed by the applicant on 15 September 2018, that shows the applicant agreed to reenlisting for a term of 6 years with a bonus amount of \$20,000.00.
- A Bachelor of Science in Criminal Justice degree from Prairie View A&M University, issued to the applicant on 13 August 2011.
- A Master of Business Administration degree from Purdue University Global, issued to the applicant on 6 June 2023.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's PEBD is 10 September 2013. She will reach 12 years of service in September 2025. She provides a Request for CP (BRS), requesting a lump sum payment in the amount of 2.5 times the monthly basic pay for her current rank/pay grade of sergeant/E-5 and 4 years of additional obligated service. The form was endorsed by the applicant and a certifying official but not signed by the approval authority. The Army G-1 advisory official opines that the applicant's request should be returned without action because she was enrolled in the HPSP. However, the advisory official also states her records do not show she was a commissioned officer participating in the HPSP and the applicant confirms that she has never been a commissioned officer or ever enrolled in the HPSP. She was never enrolled as a medical student nor received a monthly stipend from the Army. Additionally, she was

never presented the opportunity to enroll in the BRS. The Board accepted the applicant's argument and determined an error and an injustice have occurred. It is clear that some administrative errors were committed and she should not be penalized for these administrative errors. Therefore, the Board determined relief is warranted.

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 the Army records of the individual concerned be corrected by:

- showing the applicant timely submitted her Request for Continuation Pay – Blended Retirement System (CP – BRS) on 1 December 2023
- showing the appropriate office timely received and processed his approved request for CP BRS
- paying the applicant based on the appropriate pay grade in December 2023 from the 2023 pay scale, less applicable federal and state taxes (DFAS determines the exact amount), provided all other criteria is met (she commits to 4 years and the approval authority signs her BRS CP request)

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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. Title 37 United States Code, section 356 (CP) states:

a. The Secretary concerned shall make a payment of continuation pay to each full TSP member of the uniformed services under the jurisdiction of the Secretary who has completed not less than 8 and not more than 12 years of service in a uniformed service; and enters into an agreement with the Secretary to serve for not less than 3 additional years of obligated service.

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 regular component or a reserve component, if the member is performing active Guard and Reserve duty, 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 active Guard or Reserve duty 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 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; plus at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member.

2. 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.

3. 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//