

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 December 2024

DOCKET NUMBER: AR20240003205

APPLICANT REQUESTS: correction of his records to show payment of 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)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- 2 Requests for CP (BRS)
- DA Form 4856 (Developmental Counseling Form)
- 3 Leave and Earnings Statements (LES)
- Email correspondence
- Memorandum, Subject: Exception to Policy for Continuation Pay Bonus [Applicant]
- Memorandum, Subject: Loss of Continuation Pay Bonus [Applicant]

FACTS:

1. The applicant states in part, he applied for CP BRS in 2023. He attempted to apply approximately three months before his deadline of 12 June 2023. However, his application was delayed as he awaited other signatures and then was returned when those signatures were placed in the wrong fields. When he attempted to apply again, his request was rejected because his signature on the new application (the third attempt) was past the deadline.

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

a. He enlisted in the U.S. Army Reserve (USAR) on 13 June 2011 for a term of 8 years.

b. Orders Number 1180012 issued by the Military Entrance Processing Station on 29 June 2011 ordered him to initial active duty for training, with a report date of 4 October 2011.

c. On 22 March 2012, he was honorably released from active duty for training. During this period he served 5 months and 19 days of net active service.

d. He was ordered to active duty for training on 27 January 2014.

e. On 28 May 2015, he was honorably released from active duty for training. He completed 1 year, 4 months, and 2 days.

f. DD Forms 4 show he reenlisted in the USAR for a term of 6 years on 27 June 2016 and 15 March 2023.

g. DA Form 2166-9-2 (Noncommissioned Officer Evaluation Report (SSG-1SG/MSG)) shows the applicant was promoted to the rank/grade of staff sergeant on 1 March 2019

3. The applicant provides:

a. Request for CP (BRS), dated 15 March 2023 that is only endorsed by the applicant. It is void of endorsement by the certifying official and approval authority. It also shows he was requesting 4x his monthly basic pay for four years of additional obligated service to be paid in a single lump sum.

b. DA Form 4856 dated 16 March 2023, that counseled the applicant on his eligibility to CP for his participation in the BRS. In the counseling the applicant certifies he:

- has elected to participate in the BRS through his MyPay account
- has completed no more than 12 years of service, as calculated by the Pay Entry Base Date (PEBD) prior to his enrollment in the BRS
- is a member of the Selected Reserve, or otherwise a member of the Ready Reserve in a status in which he is eligible to received basic pay or inactive duty pay, when otherwise ineligible IAW criteria published by the Secretary
- request CP and agree to serve and be eligible to enter into an agreement to serve no less than 4 years
- acknowledges that his Request for CP BRS must be approved prior to completing 12 years of service as calculated by the PEBD

c. Three LES dated 8 February 2023, 24 May 2023, and 22 March 2024 that show the applicant is opted into the BRS with matching Agency Thrift Savings Plan contributions.

d. Request for CP BRS dated 12 June 2023 that was endorsed by the applicant. The form is void of endorsement by the certifying official and approval authority.

e. Email correspondence between 12 and 21 June 2023, in which the applicant and his unit personnel discuss obtaining signatures for his CP BRS request and how his previous request was returned for incorrect signatures.

f. Memorandum, Subject: Exception to Policy (ETP) for Continuation Pay Bonus [Applicant] dated 20 August 2023 that discusses the circumstances around the applicant's CP BRS submission, why it was returned multiple times, and a request for an ETP, as the applicant submitted that request prior to reaching his 12th year of service.

g. Request for CP (BRS) digitally endorsed by the applicant on 5 January 2024, the certifying official on 9 February 2024, and approval authority on 19 March 2024, in which the applicant requested CP in the amount of 4 times the monthly basic pay for his current pay grade, in exchange for an additional service obligation of 4 years to be paid in a single lump sum.

h. Memorandum, Subject: Loss of Continuation Pay Bonus [Applicant] dated 9 February 2024 that discusses the circumstances around the applicant's multiple CP BRS submissions, why they were returned/denied, and an ETP submitted by the applicant's commander.

4. On 7 November 2024, the United States Army Reserve Command, Military Services Office, provided an advisory opinion for this case. The advisory opinion states they reviewed the applicant's documents and determined he has missed the window for BRS CP. The Soldier did not submit in a timely manner and there is no ETP. No administrative relief granted.

5. On 8 November 2024, the applicant's application was placed on hold for 15 days and he was provided with a copy of the advisory opinion for comment or rebuttal. The applicant did not provide a response.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant submitted a timely submission of his BRS CP request and the processing of that request by unit personnel made it untimely, the Board concluded there was sufficient evidence of an injustice warranting a change to the applicant's record by showing the applicant submitted a timely request for BRS CP, and it was received and processed in a timely manner to pay the applicant BRS CP.

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 submitted a timely request for BRS CP and it was received and processed in a timely manner to pay the applicant BRS CP.

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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 Thrift Savings Plan (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.

//NOTHING FOLLOWS//