

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2025

DOCKET NUMBER: AR20240003216

APPLICANT REQUESTS: payment of continuation pay (CP) for the blended retirement system (BRS)

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

- DD Form 149 (Application for Correction of Military Record)
- Request for CP BRS
- Leave and Earnings Statements (LES) 2022
- BRS CP email
- [REDACTED] Army National Guard ([REDACTED] ARNG) BRS CP Eligibility
- LES, 20 March 2024
- Officer Record Brief (ORB)

FACTS:

1. The applicant states:

a. He is writing to request the correction of his military records regarding the processing of his CP bonus application through the BRS. His attempts to submit the application have been marred by administrative errors, resulting in the failure to process the application, and subsequently denying him eligibility for the CP bonus, a financial benefit he is entitled to under the BRS and planned for his family.

b. He respectfully requests that the Board review his case and take the necessary steps to correct his military records, including the submission of his CP application to Defense Finance and Accounting Service (DFAS) for processing. The repeated administrative errors have unjustly denied him the CP bonus. Positive action from the Board will help immensely for his family and his decision to remain an officer within the Department of Defense (DoD).

c. In 2018, while serving on active duty, he elected to transition to the BRS thereby becoming eligible for CP between 8 and 10 years of service. However, upon his separation from active duty in September 2019 to the [REDACTED] ARNG, he encountered issues

when attempting to submit the CP application through the appropriate channels with the [REDACTED] ARNG.

d. At the time, he was serving with the 20th Special Forces Group (Airborne), 75th Troop Command. The initial obstacle arose when the Brigade S1 incorrectly recorded his pay entry basic date (PEBD) as 21 July 2012, which coincided with the date of his commissioning as an officer on active duty. His correct PEBD reflects his prior service in the Army National Guard (ARNG) recorded as 8 April 2008, with no break in service.

e. Despite providing evidence of this discrepancy, the CP application was not processed, and there was confusion with his PEBD. Additionally, the [REDACTED] ARNG only submits these, during the 10 to 12 years of service mark. Subsequent attempts to rectify the situation in 2021 were similarly unsuccessful. Despite providing a completed and signed "Army Calendar Year (CY) 2020 Request for CP" form, the application was once again overlooked, prolonging the administrative oversight.

f. At this time, he was serving with the G2, Joint Force Headquarters, [REDACTED] ARNG. The S1 incorrectly recorded his PEB as 21 July 2012 again, and he explained that it was, in fact, 8 April 2008. At this point, he had no other options to move forward or submit the application. A recent email received on 15 February 2024, from the Brigade Executive Officer further highlights the persistence of the erroneous PEBD recording.

g. The [REDACTED] ARNG continues to track him within the 12 year window for CP eligibility based on the incorrect PEBD, compounding the administrative confusion. During this time and presently, he is serving with C Company, 1-149th Infantry, 75th Troop Command, [REDACTED] ARNG.

h. Considering these ongoing issues, he sought guidance from [REDACTED] Headquarters, Department of the Army Defense Collaboration Services G1, who recommended he pursue recourse through the Board. The applicant believes that the most appropriate course of action, at this point, is to submit a signed Request for CP (BRS) and forward it to DFAS for processing. He respectfully requests the Board review his case and take the necessary steps to correct his records, including submission of his CP application to DFAS for processing. The repeated administrative errors have unjustly denied him the CP bonus to which he is entitled under the BRS. Positive action from the Board will help immensely for his family and his decision to remain an officer with the DoD.

2. The applicant provides the following documents:

a. Request for CP (BRS), 20 May 2022, shows he is requesting BRS CP for CY 2020 at four times the monthly basic pay. He agreed to an additional obligated service of four years. The form shows his PEBD as 8 April 2008.

b. Email, 15 February 2024, stating the G1 identified that he may be eligible, or would soon be eligible for BRS CP.

c. ■■■ ARNG BRS CP Eligibility 2024 document, shows his PEBD as 21 July 2012 and he had 11 years of service and was eligible for BRS CP.

d. LES, 20 March 2024, shows his PEBD as 8 April 2008. It does not show his retirement plan.

3. The applicant's service record contains the following documents:

a. NGB Form 22 (Report of Separation and Record of Service) shows he was enlisted in the ARNG from 8 April 2008 through 20 July 2012, a period of 4 years, 3 months, and 13 days. He was honorably discharged for enlistment in another component of the U.S. Armed Forces.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was a commissioned officer in the Regular Army from 21 July 2012 through 1 September 2019 for a period of 7 years, 1 month, and 11 days.

c. NGB Form 337 (Oaths of Office) shows he took the oath of office in the ■■■ ARNG on 2 September 2019.

d. NGB Form 23A (ARNG Current Annual Statement), 21 August 2024, shows he was in the ARNG from 8 April 2008 through 20 July 2012. He was in the Regular Army from 21 July 2012 through 1 September 2019, and in the ARNG from 2 September 2019 through the present time. He has 15 years, 3 months, and 27 days of creditable service for retired pay.

e. His service record is void of information regarding the BRS or CP.

4. On 6 December 2024, the Chief, Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion, which states:

a. The applicant requests to receive BRS CP. NGB recommends approval of his request.

b. He opted into the BRS when eligible and became eligible to apply for BRS CP before his 12th year of service in accordance with Department of the Army, BRS CP CY 2020 Guidance, 18 December 2019. He applied for BRS CP and submitted the application with a signature date of 16 May 2022 that was then signed by his commander and certifying official. At the time the BRS CP was processed in the Guard Incentive Management System (GIMS), the ■■■ ARNG incentive manager requested a

control number, and it was returned stating the PEBD was too early for eligibility. Upon further review by the applicant's unit, the PEBD was incorrect. He signed a corrected BRS CP application with the correct PEBD of 8 April 2008 with a signature date of 12 December 2022. The application was returned as he is past his eligibility window.

c. After coordination with the [REDACTED] ARNG, it was determined through GIMS outages, technical errors, and incorrect information, the BRS CP application process, when the program first began, was not managed correctly. Soldiers were not informed, and eligibility windows were often missed. In this case, the applicant applied and met the eligibility window, but his PEBD was incorrect, due to no fault of his own, and his eligibility window had already passed.

d. It is the recommendation of NGB that his request be approved. He applied for BRS CP and through no fault of his own and administrative errors did not receive the incentive. He is currently past his eligibility window and a Board decision is required. The [REDACTED] ARNG concurs with the advisory opinion.

5. On 6 January 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

#### 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 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, Chief, Special Actions Branch advisory opinion, the Board concurred with the advising official finding the applicant was eligible to receive CP BRS.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 and Army National Guard records of the individual concerned be corrected by:

- showing the applicant was in receipt of a completed continuation pay (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

4/30/2025

X

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. Department of Defense memorandum dated 27 January 2017 (Implementation of the Blended Retirement System (BRS)), Attachment 1, provides guidance for the implementation of the Uniformed Services' BRS. This memorandum was effective as of 27 January 2017. Unless otherwise stated, the policies contained herein that implement the BRS shall be effective simultaneous with the effective date of the BRS, 1 January 2018. In pertinent part:

a. Paragraph 6b.(3) (Eligibility) provides that, any member of the Reserve Component (RC) of a Uniformed Service who is performing reserve component service as a member of the Ready Reserve or on the Active Status List of the Standby Reserve on 31 December 2017 is covered under the provisions of the BRS, who: (a) Has a date of initial entry into military service (DIEMS)/date of initial entry into uniform service (DIEUS) that is on or before 31 December 2017; and, (b) Is in receipt of basic pay or inactive duty pay under Sections 204 or 206, respectively, of Title 37, USC, on or after 31 December 2017; and, (c) Has accumulated fewer than 4,320 retirement points, in accordance with the provisions of Section 12733 of Title 10, USC, as of that date; and, (d) Elects to enroll in the BRS under provisions outlined in section 9.b. (Procedures for Enrollment).

b. Paragraph 8b.(2) (Continuation Pay) provides that, a Reserve Component member is eligible to receive CP who: (a) Is covered under the BRS; and, (b) Has completed not less than 8 and not more than 12 years of service as computed from that member's PEBD; and, (c) If elected to enroll in the BRS in accordance with section 6.b.(3), as calculated under provisions of Section 12733 of Title 10, USC, did not complete more than 12 years of service as calculated from PEBD prior to enrollment in the BRS. (d) Is a member of the Selected Reserve, or otherwise a member of the Ready Reserve in a status in which the member is eligible to receive basic pay or inactive duty pay, when otherwise eligible in accordance with criteria published by the Secretary concerned as specified in paragraph 8.f.; and, (e) Is eligible to enter into an agreement to serve not less than an additional 3 years in the Selected Reserve.

2. Title 37, USC, Section 356 (CP: Full Thrift Savings Plan (TSP) Members with 8 to 12 years of service) states:

a. The Secretary concerned shall make a payment of CP to each full TSP member of the uniformed services under the jurisdiction of the Secretary who:

- completes 12 years of service; and
- enters into an agreement with the Secretary to serve for an additional 4 years of obligated service

b. The amount of CP payable to a full TSP member shall be the amount that is equal to:

(1) 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; plus at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months as the Secretary concerned shall specify in the agreement; and

(2) 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 multiplied by such number of months as the Secretary concerned shall specify in the agreement.

c. In addition to the CP, the Secretary concerned may provide CP to a full TSP member in an amount determined by the Secretary concerned.

d. The Secretary concerned shall pay CP to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP to the member, that CP shall be provided when the member completes 12 years of service.

e. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

f. CP is in addition to any other pay or allowance to which the full TSP member is entitled.

g. A full TSP member who receives CP and fails to complete the obligated service required shall be subject to the repayment provisions.

3. Army Regulation 637-1 (Army Compensation and Entitlements Policy), paragraph 18–26 (Continuation Pay), states in pertinent part:

a. CP application points, rates, and years of required commitment may vary from year to year or from one military occupational specialty to another, and application criteria will be published annually by the Deputy Assistant Secretary of the Army for Military Personnel and Quality of Life. CP is not automatic, and Soldiers must apply before the established deadline, or they will forfeit their eligibility to receive CP.

b. Soldiers must meet the following criteria to qualify for CP:

(1) Must be enrolled in BRS.

(2) Must be within 180 days of the established application year point (between 8 and 12 years of service) as determined from their PEBD.

(3) Must have an approved application no later than the anniversary date of the established application year point as determined from their PEBD.

c. Commanders or designated representatives will —

(1) Verify Soldiers requesting CP elected BRS.

(2) Assist Soldiers in completing the CP contract and acquiring the appropriate approval prior to Soldier's 8th to 12th year of service as computed from the PEBD (based on year's criteria). Current law does not allow for the acceptance of a CP contract beyond the 12th year of service.

(3) Identify and ensure Soldiers eligible for CP submit their requests within the established timelines.

d. Soldiers enrolled in BRS will —

(1) Use the approved (CP (BRS)) request as published by Deputy Chief of Staff, G-1 plans and resources to apply for CP.

(2) Submit the completed contract to their respective S1 for approval and processing to Finance Officers (FO)/Army Military Pay Officers (AMPO).

e. Personnel office/S1 will —

(1) Include the unit identification code in block 3 of the CP contract. Also, complete item 4 of the CP contract with a 9-digit control number prior to forwarding to the FO/AMPO (CP1801001 is an example of such a number). First two characters (CP) represents continuation pay. The next two numbers represent the fiscal year the CP contract is approved. The fourth and fifth numbers represents the month and the last three numbers depicts the cumulative number(s) of CP contracts processed by the assigned unit for a particular month.

(2) Forward the CP contract to the FO/AMPO within 7 duty days in accordance with established procedures to finance for payment.

(3) Process the CP contract for filing in Interactive Personnel Electronic Records Management System under the service and finance folders.

//NOTHING FOLLOWS//