

IN THE CASE OF: Disla, Juan A

BOARD DATE: 10 January 2025

DOCKET NUMBER: AR20240003223

APPLICANT REQUESTS: payment of Continuation Pay (CP) under the Blended Retirement System (BRS) for Calendar Year 2022 (CY22).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4856 (Developmental Counseling Form), 13 March 2024
- Request for CP (BRS), 14 March 2024

FACTS:

1. The applicant states his payment of CP BRS for CY22 was never received. The CP rate for CY 2022 was 4 times the active duty monthly basic pay based on the current grade and years of service at the time CP is approved. He was never paid the CP BRS that he was entitled to by Title 37, U.S Code, Section 356. He was not even aware of this entitlement at the time he became eligible for it, and no one in a higher headquarters was tracking that it was due. In accordance with a Department of the Army memorandum dated 18 December 2019, he met the requirements of being a member in the Army National Guard – 1 being covered under the BRS and had not previously received CP and 2 – having a Pay Entry Base Date (PEBD) between 13 July 2021 [sic] and 31 December 2021 and completed 12 years of service in CY22.

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

- a. On 19 October 2010, he enlisted in the Regular Army (RA).
- b. On 19 February 2021, the applicant enlisted in [REDACTED] Army National Guard (ARNG).
- c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was honorably released from active duty on 12 July 2021. He completed 10 years, 8 months, and 24 days of active service.

d. His Enlisted Record Brief shows his PEBD as 19 October 2010 and his date of rank for staff sergeant (SSG) was 1 August 2018.

e. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) dated 30 May 2024, shows he extended in the Army National Guard and his new expiration term of service as 12 July 2030.

f. The applicant completed 12 years of service on 19 July 2022.

3. The applicant provides:

a. DA Form 4856 dated 13 March 2024, indicates he was provided general counseling and information on the CP BRS program and the program benefits and entitlements. He acknowledged that he was not in his window of eligibility but was previously and would be submitting a request for his CP BRS to the Army Board for Correction of Military Records (ABCMR).

b. Request for CP BRS form showing the applicant requested CP BRS at 4x his monthly basic pay for his current pay grade in return for an additional obligated service of 4 years to be paid in one single, lump sum payment. The form shows he understood that he must complete the BRS opt-in procedures prior to completion of his 12th year of service, based on his PEBD, to be eligible to receive CP. Additionally, it shows his PEBD as 19 December 2010, the applicant signed the form on 13 March 2024 and the form was endorsed by an approval authority on 14 March 2024.

4. 27 November 2024, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion which stated:

a. After careful review of the information provided, this office does not support the applicant's request due to incomplete and missing data on the CP application form. In accordance with referenced 1.d. the CP application must be completed in its entirety prior to submission for payment.

b. The CP application is missing block 6 (Control Number), block 9 (Certifying Official Name/Signature) and date, and has the incorrect reference for item b (it should be SAMR 637-1 CP BRS CY22 policy dated 27 January 2022. Additionally, the PEBD referenced in Block 5 is incorrect, and should be stated as 19 October 2010 versus 19 December 2010.

c. The missing information is required should the request for payment be favorably considered. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY22.

5. On 3 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. 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 not 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 Program Analyst for the Compensation and Entitlements Division of the Office of the Deputy Chief of Staff G-1, the Board concurred with the advising official finding the applicant's request lacked data on the Continuation Pay form making it incomplete for submission and approval. The Board recommends the applicant complete the required application in its entirety and submit through the appropriate organization for processing. The Board concluded there was no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

4/10/2025

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. 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.

2. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 27 January 2022, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2022 (CY22) states the guidance was effective on 1 January 2022 and expired on 31 December 2022 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.

a. 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 CY22 as computed from the Soldier's PEBD
- eligible to enter into an agreement to 4-year service the obligation period

b. 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 CY 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

c. CP Amount. For those eligible to apply for CP during CY22, the CP amount will be computed using their current pay grade and years of service as listed on the monthly basic pay table provided by the Defense Finance and Accounting Service in effect on the date of the Soldier's request and as follows:

- For RA, and Title 10 and Title 32 Active Guard/Reserve (AGR) Soldiers performing active service in a career status program, CP is 2.5 times the monthly basic pay
- For Army Reserve and Army National Guard Soldiers serving in the Selected Reserve (minus AGR), CP is 4 times the active duty monthly basic pay

3. Army Regulation 637-1 (Army Compensation and Entitlements Policy), provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

//NOTHING FOLLOWS//