

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240005038

APPLICANT REQUESTS:

- Correction of his record to show payment of Continuation Pay Blended Retirement System (CP BRS)
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum; Subject: Continuation Pay (CP) Exception to Policy
- A Guide to the Uniformed Services Blended Retirement System (BRS)

FACTS:

1. The applicant states he received inadequate and inaccurate information about CP benefits and the application process during his eligibility window. Therefore, he requests the correction of his record to show he should be paid CP BRS.

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

a. On 22 May 2010, he executed an Oath of Office in the Regular Army (RA) as a second lieutenant/O-1.

b. His Officer Record Brief (ORB) shows:

(1) Pay Entry Basic Date (PEBD) – 22 May 2010

(2) Date of Rank:

- 2LT/O-1 – 22 May 20210
- 1LT/O-2 – 22 November 2011
- CPT/O-3 – 1 May 2014
- MAJ/O-4 – 1 March 2021

c. Orders Number 053-023 issued by Headquarters, U.S. Army Human Resources Command on 22 February 2021 promoted him to the rank of major/O-4 with a date of rank of 1 March 2021.

d. The applicant completed 12 years of service on 22 May 2022

e. He remains on active duty in the RA.

3. The applicant provides:

a. Memorandum; Subject: Continuation Pay (CP) Exception to Policy dated 1 May 2024 that states due to three permanent change of station (PCS) moves between May 2018 and May 2022 and lack of training on the BRS and CP incentive, caused the applicant to not have all the necessary information to make an informed decision. Training on the BRS, prior to and during the opt-in window, consisted of self-trained unit designated representatives providing informational briefs and materials to service members about the BRS. The briefing indicated that acceptance of the CP benefit would reduce BRS benefits at retirement similar to the BRS Lump Sum Options. As briefed, acceptance of CP was a risk the service member accepted for an upfront benefit. He received no further information on CP benefits, eligibility, or the application process from any other unit or installation sources until after May 2022, when his CP window closed.

b. A Guide to the Uniformed Services Blended Retirement System (BRS) – version 3.0, published in June 2020, that outlines the benefits of the BRS.

4. On 4 February 2025, in the processing of this case, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion pertaining to CP BRS.

a. After careful review of the information provided, we do not support the Soldier's request for CP. The applicant does not present proof of a completed, certified, and approved calendar year (CY) 2022 application to support a claim of CP.

b. The claim will be reconsidered upon submission of a completed CY22 CP application. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation requirements.

5. On 6 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. In rebuttal, the applicant provides a new Request for CP BRS showing he requests CP BRS at 2.5x his monthly basic pay in return for an additional obligated service of

4 years to be paid in one single lump sum. The form shows his PEBD as 22 May 2010. The form is endorsed by the certifying official and the approval authority on 13 February 2025.

BOARD DISCUSSION:

1. 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 provided CP BRS application by the applicant, the Board determined relief was warranted to grant the applicant CP BRS deferring calculations to the Defense Finance and Accounting Service.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XX	:XX	:XX	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 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 calculating and paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

X //SIGNED//

CHAIRPERSON

Signed by:

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. Army Regulation (AR) 15-185 (ABCMR) states applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. 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.

3. 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.

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

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

//NOTHING FOLLOWS//