

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 February 2025

DOCKET NUMBER: AR20240005073

APPLICANT REQUESTS: exception to policy (ETP) to enroll in the Blended Retirement System (BRS) and submit a Blended Retirement System Continuation Pay (BRS CP) contract after her 12-years of service to be paid BRS CP.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action)
- DA Form 4856 (Developmental Counseling Form)
- DD Form 577 (Appointment/Termination Record – Authorized Signature)
- Request for CP (BRS) Form
- Joint Knowledge Online BRS Training Certificate
- U. S. Army Reserve (USAR) Form 22-R (Adjustment Certification Worksheet)

FACTS:

1. The applicant states she requests an ETP to be allowed to enroll in the BRS retirement plan. She never opted into BRS as she was never afforded the option to do so until recently. Since she has exceeded her 12-years of service, she also requests to receive BRS CP.

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

a. On 27 July 2011, the applicant enlisted in the U. S. Army Reserve and had continuous service through reenlistments.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty for training effective 13 September 2011. She was honorably released from active duty on 10 February 2012 after completion of 4-months and 28-days of active service.

c. On 13 September 2019, the applicant obtain 8-years of service based on her pay entry base date (PEBD).

d. On 17 August 2020, Orders Number R-08-003089, issued by the U. S. Army Human Resources Command (AHRC), the applicant was ordered to active duty in Active Guard Reserve (AGR) status effective 16 September 2020.

e. DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes) dated 21 October 2022, shows the applicant PEBD is 13 September 2011.

f. On 18 August 2023, Orders Number R-08-309432, issued by the U. S. AHRC, the applicant was released from active duty and discharge for the purpose of reenlistment in the USAR and ordered to active duty in an AGR status effective 12 August 2023.

g. On 13 September 2023, the applicant obtain 12-years of service based on her PEBD.

h. DA Form 5016 (Retirement Accounting Statement) shows the applicant's PEBD as 13 September 2011.

3. The applicant provides:

a. DA Form 4187 dated 22 November 2023, shows the applicant requested an ETP to be enrolled in the BRS retirement plan which her commander recommended approval.

b. DA Form 4856 dated 11 December 2023, shows the applicant was counseled regarding participating in BRS CP. The applicant agreed to the counseling on 11 December 2023. The counseling stated the payments for BRS CP be received until it was verified, she was enrolled.

c. DD Form 577 dated 11 December 2023, shows Staff Sergeant C-M- was appointed to sign as the certifying official for BRS CP by the commander B-S-.

d. Request form for BRS CP shows the applicant requested to be paid BRS CP on 11 December 2023 and was certified by her commander, B-S-; however, the request was not approved and a control number was not listed in item 6 (Control Number).

e. JKO training certificate show on 18 December 2023, the applicant completed the required training to opt into BRS.

f. USAR Form 22-R shows that someone had requested for the BRS CP to be process for an unknown Soldier as the form is blank.

4. On 30 January 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for BRS CP. The advisory official stated after careful review, this office does not support the applicant's request due to missing and incomplete data on the BRS CP application form. The application must be completed in its entirety prior to submission for payment. The BRC CP application is missing block 6 (control number), block 9 should be the certifying official not the immediate commander, and block 11 should be the immediate commander (approving authority printed name, rank, signature, and date). The claim will be reconsidered upon resubmission of a completed CP application. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY23.
5. On 30 January 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for BRS CP. The advisory official stated after careful review of the information provided this office support the applicant' request for enrollment into BRS. U. S. AHRC confirmed the applicant opted into the BRS retirement plan as of 18 November 2018. Her pay records should reflect a one percent automatic contribution to include applicable four percent contribution effective 18 November 2018.
6. On 31 January 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Office of the Deputy Chief of Staff G-1 advisory opinion, the Board concurred with the advising official recommendation for approval finding applicant opted into the BRS retirement plan as of 18 November 2018. Her pay records should reflect a one percent automatic contribution to include applicable four percent contribution effective 18 November 2018.
2. The Board determined there is sufficient evidence to support an exception to policy to enroll in the Blended Retirement System (BRS) and submit a BRS Continuation Pay (CP) contract after reaching 12 years of service. The Board noted, the applicant's service record reflects continuous honorable service in the U.S. Army Reserve since 27 July 2011, with a Pay Entry Base Date (PEBD) of 13 September 2011. She transitioned

to Active Guard Reserve (AGR) status on 16 September 2020 and reached 12 years of service on 13 September 2023. The applicant completed the required BRS opt-in training and submitted a BRS CP request with command endorsement; however, administrative errors on the application form including missing control number and misidentified certifying and approving officials resulted in the request being denied.

3. The Board found given the applicant’s eligibility, timely intent to participate, and command support, the Board found the administrative errors should not preclude her from receiving BRS CP. Therefore, the Board granted relief for an exception to policy to allow submission of a corrected BRS CP contract and payment of continuation pay in accordance with applicable regulations.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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:

1. 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
2. DFAS paying her entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims. Her pay records should reflect a one percent automatic contribution to include applicable four percent contribution effective 18 November 2018.

X //SIGNED//

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. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full Thrift Savings Plan (TSP) Member with 12-Years of Service), (a) CP, 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

a. Amount, the amount of CP payable to a full TSP member under subsection (a) shall be the amount that is equal to 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 (not to exceed 13-months) as the Secretary concerned shall specify in the agreement of the member under subsection (a)

b. Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

3. Title 37, USC, 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 a member of a Reserve Component, if the member is performing Active Guard/Reserve 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.

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.

4. Deputy Secretary of Defense Memorandum dated 18 December 2019, 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.

5. 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.

6. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 4 December 2018, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective immediately and expired on 2 March 2023 and it applied to Regular Army (RA), Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve Soldiers who were covered under the BRS.

For eligibility for RA Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 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 Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 11-years of service but 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

For eligibility for Army National Guard Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 12-years of service during the CY19 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//