

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240005148

APPLICANT REQUESTS: exception to policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP).

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

- DD Form 149 (Application for Correction of Military Record)
- Personnel Action Packet Check List for Request for CP BRS
- DA Form 4856 (Developmental Counseling)
- DD Form 577 (Appointment/Termination Record – Authorized Signature)
- Request for BPRC CP Form
- U. S. Army Reserve (USAR) Form 22-R (Adjustment Certification Worksheet)
- Leave and Earnings Statement

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states she requests an ETP to enroll in BRS to be paid BRS CP. She was never given the option to enroll or opt into the BRS. She believes she was assigned to the Individual Ready Reserve during the enrollment period. She was not aware of BRS until she reenlisted with the incentive to receive BRS CP and was told that contributing to the Thrift Savings Plan (TSP) was the same thing as BRS. She is contributing to TSP. Her request for BRS CP was rejected because she is not enrolled in BRS, she requests to be enrolled in BRS and paid her CP.
3. A review of the applicant's service record shows:
  - a. On 24 April 2014, the applicant enlisted in the Army National Guard (ARNG).

b. On 28 April 2014, Orders Number 4237009, issued by the Military Entrance Processing Station, the applicant was ordered to initial active duty for training effective 25 August 2014.

c. On 26 March 2015, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 7-months and 2-days of active service.

d. On 23 April 2020, the applicant was honorably released from the ARNG and assigned to the U. S. Army Reserve (USAR) Control Group (Reinforcement). National Guard Bureau (NGB) Form 22 (NGB Report of Separation and Record of Service) shows the applicant completed 6-years of service.

e. On 10 July 2020, Orders Number C-07-008873, issued by the U. S. Army Human Resources Command, the applicant was assigned to the USAR Troop Program Unit effective 2 July 2020.

f. On 16 October 2021, the applicant reenlisted in the USAR.

g. On 2 February 2024, the applicant reenlisted in the USAR.

4. The applicant provides:

a. Personnel action check list shows the required documents to request BRS CP.

b. DA Form 4856 dated 9 March 2024 shows the applicant was counseled regarding her eligibility for BRS CP. Wherein, she acknowledged she elected to participate in the BRS through her MyPay account and she requests to be paid BRS CP and agrees to serve no less than four additional years.

c. DD Form 577 shows the applicant was appointed as the Assistant Safekeeping Custodian by the commander.

d. Request for BRS CP shows the applicant agreed to accept BRS CP in the amount of four times her monthly basic pay and agreed to serve an additional obligated service of 4-years. Her pay entry base date is 24 April 2014. She requested payment in one lump sum. The applicant signed the request on 10 March 2024 which was certified and approved on 10 March 2024.

e. USAR 22-R shows a request to process BRS CP for the applicant was requested on 10 March 2024.

f. Leave and Earnings Statement dated 22 March 2024 shows the retirement plan box is blank.

5. On 18 February 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 recommended disapproval of the applicant's request. Her records indicate the BRS opt in window was available in her MyPay during the open enrollment period of 1 January through 31 December 2018.

6. On 19 February 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:

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. After careful consideration of the available evidence and the advisory opinion provided by the Office of the Deputy Chief of Staff, G-1, the Board recommends denial of relief.

a. The Board concurs with the G-1 advisory finding that the applicant's records indicate the BRS opt-in window was available in her MyPay account during the designated open enrollment period of 1 January through 31 December 2018. The applicant did not opt into the BRS during this period, and there is no evidence of a system error or administrative oversight that prevented her from doing so.

b. Continuation Pay under the BRS is a one-time, mid-career incentive offered only to eligible service members who voluntarily opt into the BRS during the prescribed enrollment window. The applicant's failure to elect BRS participation within the authorized timeframe renders her ineligible for BRS CP under current policy.

c. As such, the Board finds no error or injustice in the administration of the BRS opt-in process and concludes that the applicant's request does not meet the criteria for an Exception to Policy.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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.



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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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 2 March 2023, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective immediately and expired on 31 December 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 CY24 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 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

7. All Army Activities Message 067-2020 refers to an official military communication that provides guidance on an "Extension to Implementation Guidance for ETP" which allows for the retroactive enrollment of certain eligible Soldiers into the Blended Retirement System (BRS) and also outlines a hardship extension for the enrollment period for specific cases; essentially giving soldiers who might have missed the original BRS enrollment window a chance to join under specific circumstances.

//NOTHING FOLLOWS//