

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240005874

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid the Blended Retirement System Continuation Pay (BRS CP) after his 12th year of service based on his Pay Entry Base Date (PEBD).

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

- DD Form 149 (Application for Correction of Military Record)
- Joint Knowledge Online Training Certificate shows the applicant successfully completed the BRS Opt-In Course on 16 July 2018
- Office of the Assistant Secretary Manpower and Reserve Affairs Memorandum, Subject: BRS CP – Calendar Year 2022 (CY22), 27 January 2022 shows the eligibility criteria for BRS CP in CY22
- DA Form 4856 (Developmental Counseling Form), 21 March 2024 shows the applicant was counseled about eligibility for BRS CP with the plan of action to submit a request to the Army Board for Correction of Military Records to be paid BRS CP due to being outside the eligibility window
- Leave and Earnings Statement (LES), 1 May 2024 during the applicant's M-Day status shows:
 - He obtained 13-years of service
 - His pay date was 1 July 2010
 - The Retirement Plan box was blank
 - Thrift Savings Plan (TSP) contribution for automatic and matching agency were contributed
- LES for the period of 1 through 28 February 2025 during the applicant's Active Guard/Reserve (AGR) status shows:
 - He obtained 14-years of service
 - His pay date was 1 July 2010
 - The Retirement Plan box states BLENDE
 - TSP contribution for automatic and matching agency were contributed
- Enlisted Record Brief shows his PEBD is 1 July 2010

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:

- He was never paid BRS CP for CY22 at 4 times his monthly pay at his pay grade at the time
- He was not made aware of eligibility for BRS CP until after the eligibility window
- His higher headquarters was not tracking it was due at the time of his eligibility
- He was enrolled in BRS

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

- On 1 July 2010, he enlisted in the Army National Guard of the United States (ARNGUS) and has had continuous service through extensions and/or reenlistments
- On 15 June 2011, he was ordered to initial active duty for training by Orders Number 1166033, dated 13 June 2011
- On 24 November 2011, he was honorably released from active duty and reverted to the control of the ARNGUS
- Beginning on 1 October 2020, he was on continuous active duty orders for various unit support requirements and projects by multiple published orders
- On 1 July 2022, he obtained 12-years of service
- On 1 May 2024, he was ordered to active duty in an AGR status by Orders Number 099-031, dated 8 April 2024
- Enlisted Record Brief shows his PEBD is 1 July 2010
- Soldier Management Services – SEB shows his PEBD is 1 July 2010

4. On 6 May 2025, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for an ETP to be paid BRS CP outside the eligibility window. The advisory official recommended approval of his request. The applicant's PEBD is 1 July 2010; therefore, he was eligible to apply for BRS CP between 1 July 2021 through 30 June 2022. Through no fault of the applicant, he did not receive notification of his eligibility to apply until the suspense had already passed.

5. On 7 May 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. 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 Headquarters, Department of the Army G-1 advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS from 1 July 2021 through 30 June 2022

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 BRS 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

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. 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.

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.

//NOTHING FOLLOWS//