

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 November 2025

DOCKET NUMBER: AR20240005922

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).

FACTS:

1. The applicant states he requests an exception to policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP). He was advised that he was enrolled in the BRS on 18 October 2019 which was without his knowledge. He was deployed overseas during 2017 through 2018, which is when he was required to attend the BRS briefings. He chose not to opt into the BRS and remain in the legacy retirement plan. He assumes it is too late to be changed back to the legacy retirement plan so he requests an ETP to receive the BRS CP as he has passed the eligibility window. He found out he was enrolled a week prior to the submission of this application.

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

a. On 31 August 2010, the applicant enlisted in the Army National Guard of the United States and he had continuous service through extension or reenlistments.

b. Enlisted Record Brief shows the applicant's Pay Entry Base Date (PEBD) is 31 August 2010.

c. During his service the applicant was ordered to active duty for training and in support of Operation Enduring Freedom (Spartan Shield).

d. On 3 August 2017, Orders Number 05-215-0195, issued by the State of California (CA) Office of the Adjutant General, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield) effective 21 September 2017.

e. On 26 August 2018, the applicant was honorably released from active duty.

DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 11-months and 6-days of active service. It also shows in item 18 (Remarks); he serviced in Kuwait during the period of 9 February through 9 March 2018 and in Qatar during the period of 10 March through 25 July 2018.

f. On 17 October 2019, Orders Number 290-1001, issued by the Joint Forces Headquarters (JFH) CA Army National Guard (ARNG), the applicant was ordered to full time National Guard Duty in an Active Guard Reserve (AGR) status effective 15 October 2019.

g. On 30 January 2020, Orders Number 30-1112, issued by the JFH CA ARNG, the applicant was ordered to active duty in AGR status effective 30 January 2020.

h. On 31 August 2020, the applicant reached 10-years of service based on his Pay Entry Base Date (PEBD).

i. On 31 August 2022, the applicant reached 12-years of service based on his PEBD.

3. 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 to be paid his BRS CP. The advisory official stated after careful review of the applicant's records, it was found to be no evidence or records maintained within the U. S. Army Human Resources Command that reflects the applicant was not enrolled in the BRS, therefore, he has no entitlement to BRS CP. There is no action to be taken, as he will remain in the High 3 (Legacy) retirement plan.

4. 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:

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 majority concurred with the advising official finding the applicant was not enrolled in the BRS, therefore, he has no entitlement to BRS CP. The Board minority determined relief was warranted.

BOARD VOTE:

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

/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 27 January 2022, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2022 (CY22) states the guidance was effective immediately and expired on 31 December 2022 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 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 Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 10-years of service but not more than 12-years of service during the CY22 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 CY22 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//