

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240006064

APPLICANT REQUESTS: exception to policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after his 12-years of service.

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

- DD Form 149 (Application for Correction of Military Record)
- BRS training certificate
- Applicant's request for BRS CP

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 stated he requests for an ETP to be paid the BRS CP after his 12-years of service eligibility. He was eligible for BRS CP during the period of 17 March 2018 through 16 March 2022; however, he was never properly counseled or provided information regarding BRS CP; thus, he miss he eligibility window.
3. A review of the applicant's service record shows:
 - a. On 17 March 2010, the applicant enlisted in the Army National Guard (ARNG) of the United States. He had continuous service through reenlistments or extensions.
 - b. Enlisted Record Brief shows the applicant's Pay Entry Base Date (PEBD) is 17 March 2018.
 - c. During his service in the ARNG he was ordered to active duty for training and twice for operational support overseas.
 - d. On 17 March 2018, the applicant obtained 8-years of service based on his PEBD.

e. On 4 December 2020, Orders Number 330-002, issued by the Joint Force Headquarters – Virginia, the applicant was ordered to full time National Guard duty in an Active Guard Reserve (ARG) status effective 5 January 2021. The applicant remains on AGR status.

f. On 17 March 2022, the applicant obtained 12-years of service based on his PEBD.

4. The applicant provides:

a. Joint Knowledge On-line training certificate which shows the applicant completed the BRS Opt-in training on 14 April 2017.

b. Memorandum for Record from the applicant stating he completed BRS training on 14 April 2017. He had approximately 7-years of service when he opted into the BRS and would have been eligible to receive BRS CP during the period of 17 March 2018 through 17 March 2023. He was not provided any information regarding the BRS CP and by the time he was informed he was outside his eligibility window.

5. On 14 February 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for an ETP to be retroactively paid BRS CP. The advisory official recommended approval of the applicant's request. The applicant contended he was not properly training on the BRS CP with was concurred by the Virginia ARNG. He met the eligibility requirement to receive BRS CP between the period of 17 March 2018 through 17 March 2022 and he is enrolled in BRS. His inability to request BRS CP was not fault of his own as he was not briefed prior to or during his eligibility window.

6. On 18 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 and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant's record to show he made a timely submission to receive the appropriate BRS CP payment.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX :XXX :XXX GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's military record to show the applicant made a timely submission for BRS CP and the submission was received by the appropriate agency in order to pay the applicant the appropriate BRS CP payment to the applicant.

//SIGNED//

X

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.

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//