

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240006072

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) hardcopy
- DD Form 149 electronic
- Officer Record Brief
- National Guard Bureau (NGB) Form 62E (Applicant for Federal Recognition as an Army National Guard (ARNG) Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the ARNG of the United States)
- Leave and Earnings Statement

FACTS:

1. The applicant states he requests an ETP to be paid BRS CP after his 12-years of service. He was not informed about the BRS CP program when the rest of his battalion was informed during their deployment due to geographic separation from the battalion.

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

a. With prior U. S. Army Reserve (USAR) cadet service, on 31 March 2011, Orders Number 090-012-A-4781, issued by Headquarters, U. S. Army Cadet Command, the applicant was ordered to active duty to accept an appointment in the USAR effective 3 October 2011 to fulfill an active duty commitment.

b. On 17 May 2011, the applicant executed his oath of office and was appointed a Reserve commissioned officer in the rank of second lieutenant.

c. On 3 October 2019, the applicant obtained 8-years of service based on his Pay Entry Base Date (PEBD).

d. On 13 February 2020, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 8-years, 4-months and 11-days of active service.

e. On 14 February 2020, the applicant executed his oath of office and was appointed in the Idaho (ID) ARNG in the rank of captain and was extended a temporary Federal recognition.

f. On 29 April 2020, Special Orders Number 118, issued by the NGB, the applicant was transferred from the USAR to the IDARNG effective 14 February 2020.

g. On 18 September 2020, Orders Number 262-012, issued by the State of ID Military Division, the applicant was ordered to full time National Guard duty in an Active Guard Reserve (AGR) status effective 16 September 2020.

h. On 14 July 2023, Orders Number 195-001, issued by the State of ID Military Division, the applicant was ordered to active duty in AGR status effective 16 September 2023.

i. On 3 October 2023, the applicant obtained 12-years of service based on his PEBD.

k. Soldier Management Services – WEB shows the applicant's PEBD is 3 October 2011.

3. The applicant provides Leave and Earnings Statement for the period of 1 through 28 February 2024 which shows the applicant was enrolled in the BRS.

4. On 21 February 2025, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request for an ETP to be paid his BRS CP after his 12-years of service. The advisory official recommended his request be approved. A review of the applicant's Leave and Earnings Statement which indicates he is enrolled in BRS. His record shows his Date of Initial Entry to Military Service date is 18 October 2007. On 17 October 2023, the Soldier would have completed 12-years of service. In accordance with the BRS CP implementation guidance for calendar year 2019 and All Army Activities 016/2019, he met the eligibility criteria. However, as the Soldier was uninformed about BRS CP around the time of eligibility, he should be eligible to have the date adjusted. In addition, Soldier should be permitted to receive BRS CP to remedy the inability to request BRS CP during eligibility window due to lack of knowledge prior to 24 February 2024. A review of the details in Guard Incentives Management System, it was determined the payments were not made.

5. On 25 February 2025, the Army Review Board Agency Case Management Division provided the applicant the advisory opinion for review and comment.

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 National Guard Bureau, Chief, Special Actions Branch advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS prior to 24 February 2024.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
: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 and Army National Guard records of the individual concerned be corrected by:

- 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
- DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims



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. 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.

2. 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.

3. 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.

4. 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.

5. 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 2019 (CY19) states the guidance was effective 1 January 2019 and expired on 31 December 2019 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 CY19 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 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

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

6. All Army Activities Message 016/2019 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//