

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240006149

APPLICANT REQUESTS: correction of his record to show he was paid Continuation Pay Blended Retirement System (CP BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- Request for CP BRS
- Memorandum; SUBJECT: Continuation Pay Request Submission Calendar Year 2023

FACTS:

1. The applicant states he submitted the Request for CP BRS to his higher headquarters in March 2023, but the document never made it to his brigade commander. He was under the impression that the first O-6 in chain of command needed to sign. His application likewise was never submitted to finance on Fort Bliss and assumed lost.

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

a. He enlisted in the Regular Army on 11 April 2011.

b. He has executed immediate reenlistments on:

- 4 November 2013 for a term of 4 years
- 21 February 2018 for a term of 3 years
- 29 April 2020 for a term of 6 years

c. Orders Number 112-26 issued by the U.S. Army Human Resources Command on 21 April 2020 promoted him to the rank/grade of sergeant first class/E-7, effective on with a date of rank of 1 May 2020.

d. The applicant completed his 8th year of service on 11 April 2019 and his 12th year of service on 11 April 2023.

e. He remains in the Regular Army.

3. The applicant provides:

a. A Request for CP (BRS) application that shows he requests two and a half times the monthly basic pay for his current pay grade and years of service in agreement to an additional obligated service of four years to be paid in a lump sum. The request was endorsed by the applicant on 7 March 2023 and endorsed by the certifying official on 23 March 2023. The request is void of signature by the approval authority.

b. Memorandum; SUBJECT: Continuation Pay Request Submission Calendar Year 2023, from the applicant that outlines the circumstances of his Request for CP BRS.

4. On 29 November 2024, in the processing of this case, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion pertaining to CP BRS.

a. After careful review, this office does not support the applicant's request due to missing data on the CP application form. In accordance with reference 1.d the CP application must be completed in its entirety prior to submission for payment. The CP application is missing block 6 (control number), and block 11 (approving authority printed name, rank, signature, and date). The claim will be reconsidered upon resubmission of completed CP application.

b. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY23.

5. On 2 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division advisory opinion, the Board concurred with the advising official disapproval finding the applicant is missing data on the CP application form. The opine noted in accordance with reference 1d the CP application must be completed in its entirety prior to submission for payment..

2. The Board noted the applicant submitted a CP request endorsed by both himself and a certifying official; however, the application was incomplete and lacked the required approving authority signature, printed name, rank, date, and control number. The Board agreed the applicant met the eligibility criteria based on years of service and reenlistment history, the administrative deficiencies in the application preclude approval of payment. Based on the advisory opinion, the Board found no error or injustice in the processing of the applicant's CP request. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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

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.

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 United States Code (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 27 January 2017, 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.

//NOTHING FOLLOWS//