

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2025

DOCKET NUMBER: AR20240006190

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

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

- DD Form 149 (Application for Correction of Military Record)
- Entitlement to Continuation Pay Financial Readiness Training Certificate
- Request for BRS CP form
- E-mail from the District of Columbia (DC) Army National Guard (ARNG)

FACTS:

1. The applicant states his requests an ETP to be paid BRS CP after his 12-years of service eligibility to be paid BRS CP. He contends that on 19 October 2023, he received an e-mail from the DC ARNG G1 Sergeant Major informing him of his eligibility for the BRS CP. This was his first notification of his eligibility to participate in the program. He completed all the required training and he requested a meeting with the ARNG Personal Financial Advisory regarding the BRS CP. On 4 January 2024, he was advised by Sergeant (SGT) W- that he was eligible for BRS CP and he was provided the request form. When he submitted to the Incentives Branch, he was advised the National Guard Bureau had not published the Calendar Year 2024 guidelines and his request could not be submitted until then. Due to no fault of his own and for not being notified in a timely manner about the BRS CP and his eligibility he missed out on this opportunity.

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

a. On 8 July 2011, the applicant executed his oath of office and was appointed a Reserve commissioned officer and, in the Louisiana (LA) ARNG in the rank of first lieutenant.

b. On 27 October 2011, Special Orders Number 269, issued by the National Guard Bureau (NGB), the applicant was appointed in the LA ARNG effective 8 July 2011 and was extended a Federal recognition.

c. During the applicant's service in the ARNG he was ordered to active duty multiple times.

d. On 23 February 2016, Special Orders Number 36, issued by the NGB, the applicant was transferred to the DC ARNG effective 3 September 2015.

e. On 8 July 2019, the applicant obtained 8-years of service based on his pay entry base date (PEBD).

f. On 8 July 2023, the applicant obtained 12-years of service based on his PEBD.

g. Soldier Management Services - WEB Portal (SMS WEB) shows the applicant's PEBD is 8 July 2011.

3. The applicant provides:

a. Training certificate for the Entitlement to Continuation Pay Financial Readiness shows the applicant completed the training on 30 December 2023.

b. BRS CP request form shows the applicant's PEBD as 8 July 2011, the applicant agreed to accept the BRS CP in the amount of four times his monthly pay for his current grade and he agreed to an additional 4-years of obligated service. He requested a lump sum payment. The applicant signed the form on 10 March 2024; however, it was not certified or approved.

c. On 13 April 2024, the applicant was notified via e-mail he would need to initiate an application with the Army Board for Correction of Military Records if he was still interested in receiving the BRS CP.

4. On 13 February 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for retroactive BRS CP. The advisory official recommended approval of the applicant's request. The U. S. Army Human Resources Command verified the applicant was enrolled in BRS on 3 December 2018. His PEBD is 8 July 2011 which made his eligibility window during the period of 8 July 2019 through 7 July 2023. On 19 October 2023, the applicant was notified by the DC ARNG that eligibility for BRS CP required an application. He completed the BRS CP training on 30 December 2023, signed his request for BRS CP application on 10 March 2024 and scheduled his individual briefing on 27 March 2023. During the individual financial briefing it was discovered he was outside his eligibility window.

5. On 14 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 recommendation outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to change the applicant’s record showing he submitted to be paid Blended Retirement System Continuation Pay (BRS CP) prior to the applicant’s 12-years of service.

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 showing the applicant made a timely submission to be paid Blended Retirement System Continuation Pay (BRS CP) and that it was received by the appropriate agency for processing.

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 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

//NOTHING FOLLOWS//