

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240007323

APPLICANT REQUESTS: correction of his record to show he is eligible to be 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)
- USAR Form 26-R (Pay Document – Transmittal Letter)
- DD Form 577 (Appointment/Termination Record – Authorized Signature)
- Request for CP BRS
- Leave and Earnings Statement
- USAR Form 22-R (Adjustment Certification Worksheet)
- DA Form 4856 (Developmental Counseling Form)

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 states when the BRS system and CP was established in 2018, there was no clear guidance on policies and regulations available as a reservist. His unit did not provide information on when his eligibility would start. He was not told that his prior enlisted service from 1999-2003 would count toward his 8-12 years of reserve service for which he would need to apply for CP. When he was eligible in 2020, communication was extremely limited due to the Coronavirus-19 pandemic. Battle assemblies transitioned to virtual training environments making it even more difficult to receive information. Once he entered his 8th year of reserve duty, he began the process of applying for CP and was then told he was ineligible because of his length of service.
3. A review of the applicant's service record shows:
 - a. Having had prior Regular Army enlisted service, he was released from active duty on 18 August 2003. His DD Form 214 (Certificate of Release or Discharge from Active

Duty) shows he completed 4 years, 7 months, and 6 days of service. Orders Number D-12-630921 issued by the U.S. Army Human Resources Command (AHRC) on 26 December 2006 discharged the applicant from the United States Army Reserve (USAR).

b. On 25 May 2016, he was appointed as a Reserve Commissioned Officer of the Army in the rank of captain/O-3. His appointment letter shows that he was credited with 4 years, 4 months, and 11 days of active service credit with the effective date of 23 June 2016.

c. On 23 June 2016, he executed an Oath of Office and was appointed a Reserve commissioned officer.

d. Orders Number 0010296267 dated 22 November 2024 honorably released him from active duty training – annual training (AT) with an effective date of 14 November 2024. It additionally shows he has an estimated total service of 13 years.

f. DA Form 5016 (Retirement Accounting Statement) dated 22 July 2024 shows he has accumulated 13 years of service that qualify for retirement.

4. The applicant provides a Request for CP (BRS) packet, which includes:

- USAR Form 26-R (Pay Document – Transmittal Letter) dated 2 May 2024
- DD Form 577 (Appointment/Termination Record – Authorized Signature) dated 25 April 2024 that appointed [REDACTED] as the certifying official for CP (BRS) forms
- Request for CP (BRS) application that shows he requests four 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, it also shows his pay entry base date is 9 July 2008, the request was endorsed by the applicant on 25 April 2024 and endorsed by the certifying official and approval authority on 26 April 2024
- Leave and Earnings Statement dated 20 March 2024 that shows the applicant's pay has a deduction for Thrift Savings Plan (TSP) contributions, pay date is 9 July 2008, retirement plan is blank
- USAR Form 22-R dated 26 April 2024 which requests processing of his CP BRS
- DA Form 4856 dated 15 April 2024 that counseled the applicant in regard to his eligibility for CP

5. On 4 February 2025, 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 of the information provided, this office recommends the applicant's request be approved in the interest of fairness and equity. The applicant's unit did not provide timely notification and assistance in processing of the CP application; therefore, the applicant was not able to submit the CP application until 25 April 2024. The end point for 12 years of service for pay was 9 July 2020.

b. The applicant's request for payment of CP should be made based on the date of qualification in accordance with reference 1.c, specifically, in the pay grade of O-3 with 12 years of service for pay on 9 July 2020.

c. If the Board grants administrative relief, the payment would be based on the pay grade of O-3 with 12 years for pay purpose from the 2020 pay scale (\$6,960.60 x 4.0 (multiplier)) = \$27,842.40, less applicable federal and state taxes.

6. On 7 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

7. On 11 February 2025, he responds via email and states he agrees with the G1's recommendation of approval in the interest of fairness and equity and their recommendation of administrative relief with a CP payment of \$27,842.40 based on their calculations. Thank you for the time and attention you have given to his case and he asks that you please advise if any further actions are needed on his part. He looks forward to hearing the ABCMR's final determination on this matter.

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 Office of the Deputy Chief of Staff, G-1 advisory opinion, the Board concurred with the advising official finding the applicant unit did not provide timely notification and assistance in processing of the CP application; therefore, the applicant was not able to submit the CP application until 25 April 2024. The Board concluded the payment would be based on the pay grade of O-3 with 12 years for pay purpose from the 2020 pay scale.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: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 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.

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 11 March 2024, Blended Retirement System (BRS) Continuation Pay (CP) - Calendar Years 2024/2025 (CY24/CY25) Implementation Guidance states the guidance was effective immediately and expired on 31 December 2025 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.

a. For eligibility for RA and Active Guard Reserve (AGR) Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- has completed no less than eight and not more than 12 years of service, as computed from the Soldier's pay entry basic date (PEBD)
- eligible to enter into an agreement to 4-year service the obligation period

b. For eligibility for USAR and ARNG Soldiers, not in an AGR status:

- covered under the BRS and has not previously received BRS CP; and
- has completed no less than eight and not more than 12 years of service, as computed from the Soldier's pay entry basic date (PEBD)
- member of the Selected Reserve or otherwise a member of the Ready Reserve and eligible to receive basic pay
- eligible to enter into an agreement to 4-year service the obligation period

c. The CP for CY24/CY25 amount will be computed using eligible Soldiers' current pay grade and years of service as listed on the monthly basic pay table provided by the Defense Finance and Accounting Service in effect on the date of the Soldier's request and as follows:

(1) RA and Title 10 and Title 32 AGR Soldiers performing active service in a career status program, CP is 2.5 times their monthly basic pay.

(2) USAR and ARNG Soldiers serving in the SELRES (minus AGR), CP is four times their active duty monthly basic pay.

d. Service Obligation: In exchange for the CP described in paragraph 5, Soldiers must agree to serve 4 years of additional service in the component in which they are serving at the time CP is requested. The service obligation commences on the date of the Soldier's CP request.

//NOTHING FOLLOWS//