

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240007333

APPLICANT REQUESTS: an exception to policy (ETP) to convert from the Blended Retirement System (BRS) back to the Legacy/High 3 Retirement System (Legacy).

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

- DD Form 149 (Application for Correction of Military Record)
- Email communication – reflective of communication concerning the applicant's efforts to be switched from the BRS to the Legacy Retirement Plan
- Leave and Earnings Statements – reflective of the applicant's pay and entitlements from February 2020 – 31 March 2023; enrolled in the "CHOICE" (Legacy) Retirement Plan
- Leave and Earnings Statements – reflective of the applicant's pay and entitlements from September 2018 – August 2020; in November 2018, the applicant began contributing to the BRS Plan; contributions appear to have stopped in August 2020
- Leave and Earnings Statements – reflective of the applicant's pay and entitlements from January – December 2023; enrolled in the "CHOICE" (Legacy) Retirement Plan (January-February 2023); enrolled in the BRS Plan (March – December 2023)

FACTS:

1. The applicant states:

- he was erroneously enrolled into the BRS in November 2018; believes that in his haste of verifying his Leave and Earnings Statements (LES) online, he may have accidentally enrolled in the BRS
- he was unaware of his enrollment in the BRS until November 2023
- ordered to active duty within the Active Guard Reserve (AGR) Program in February 2020; his LESs reflected "CHOICE" until February 2023

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

- On 13 September 2005 – he enlisted in the Regular Army

- On 8 March 2011 – he was released from active duty and transferred into the Army National Guard (ARNG)
- On 26 March 2020 (Orders Number 086-065) – he was ordered to active duty in the AGR Program effective 10 April 2020
- On 18 November 2024 (Orders Number 323-044) – he was ordered to Full-Time National Guard Duty in an AGR status effective 4 December 2024
- On 1 August 2025 – he was issued a Notification of Eligibility for Retired Pay for Non-Regular Service (20 Year Letter)

3. On 16 July 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending disapproval of the applicant's request noting that after coordination with U.S. Army Human Resources Command (HRC) it was determined that he opted into BRS via the MyPay link on 29 October 2018 and was determined not to be erroneous. PAARNG determined that Soldier's matching contribution stopped when the Soldier transitioned to Active Duty orders and stated it could possibly be to incorrect coding when submitting pay documents. In accordance with (IAW) Deputy Secretary of Defense memorandum dated 27 January 2017, opting into BRS is not reversible. The applicant should be paid any missing matching contributions and receive an exception to policy to be able to apply for BRS continuation pay past his 12th year of service.

4. On 18 July 2025, the applicant was provided with a copy of the advisory opinion and afforded 7 days to provide comments. He did not respond.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. Upon review of the applicant's petition, and available military records, the Board reviewed and concurred with the NGB advisory noting the applicant opted into BRS via the MyPay link on 29 October 2018 and it was determined not to be erroneous. 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. All Army Activity Message Number 050/2019 (Implementation Guidance for ETP to Retroactively Enroll Certain Eligible Soldiers in the Blended Retirement System and Hardship Extension of the Enrollment Period) provides that Soldiers who would like to request an ETP to the BRS Calendar Year (CY) 2018 Opt-In enrollment will acknowledge the irrevocability of the Opt-In decision. Soldiers who were notified of their eligibility for BRS and did not have access to the BRS link on MyPay, must notify the Deputy Chief of Staff G-1 of the discrepancy. These extensions do not create the authority to enroll a Soldier who had the opportunity to elect to enroll in the BRS during the CY2018 but who chose not to do so, nor does it allow for retroactive Thrift Savings Plan (TSP) contributions

2. Deputy Secretary of Defense Memorandum, Implementation of the Blended Retirement System dated 27 January 2017 states that the BRS goes into effect 1 January 2018. Service members who enter the military on or after 1 January 2018, will automatically be enrolled in BRS. Service members who enter service on or before 31 December 2017 are grandfathered into the legacy high-3 retirement system. However, service members in the active component as of 31 December 2017, who have served fewer than 12 years, or service members in the Reserve component who have accrued less than 4,320 retirement points as of 31 December 2017 and are in a paid status, will have the option of electing BRS or to remain in the legacy retirement system. Those currently serving members who are eligible to opt into BRS will have an entire year to make their opt-in decision. The opt-in or election period for BRS begins 1 January 2018 and concludes on 31 December 2018. The decision to opt-in is irrevocable.

3. The Uniform Services Blended Retirement System states DIEMS is the Date of Initial Entry into Military Service while PEBD is the Pay Entry Base Date. DIEMS marks the day a member first enters military service by signing a contract or agreement to serve, even if on that day he or she is in an inactive status such as in the Delayed Entry Program (DEP), or as a student in one of the Service Academies or ROTC. PEBD is the day a member first begins earning Basic Pay or Inactive Duty Pay (drill pay). For many Service members, these days are essentially the same, while for many others, DIEMS is earlier than PEBD. Determining whether a member is grandfathered under legacy High-3 or automatically enrolled in BRS is based on DIEMS. If DIEMS is on or before 31 December 2017, he or she is grandfathered. If DIEMS is on or after 1 January 2018, he or she is automatically enrolled in BRS. Of those who are grandfathered, determining eligibility to opt into BRS is based on PEBD (as is eligibility for Continuation Pay). Fewer than 12 years of service since PEBD makes an otherwise grandfathered Active Component member eligible to opt into BRS.

//NOTHING FOLLOWS//