

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 March 2025

DOCKET NUMBER: AR20240007405

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after his 12th year of service.

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

- DD Form 149 (Application for Correction of Military Record)
- Screenshot of e-mail from the California Army National Guard (CAARNG), dated 6 April 2024 disseminating the policy for BRS CP for Calendar Year 2024 through 2025

FACTS:

1. The applicant states in effect;

- he met 12-years of service in November 2023
- during the eligibility window, he was not aware of the policy for BRS CP
- he became aware on 6 April 2024 by an email from the CAARNG disseminating the Calendar Year 2024 through 2025 policy

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

- on 12 November 2010, enlisted in the U.S. Army Reserve (USAR) as a Reserve Officers' Training Corps (ROTC) cadet, assigned to the USAR Control Group (ROTC)
- on 11 May 2012, he executed his oath of office and was appointed as a Reserve commissioned officer in the CAARNG
- on 11 May 2012, the applicant was discharged from the USAR to accept a commission
- initially appointed in the CAARNG by Special Orders Number 325
- completed Basic Officer Leadership Course during the period of 31 July through 1 December 2016
- 15 May 2018, ordered to active duty in an Active Guard/Reserve (AGR) status by Orders Number 115-4002, he continues to serve in the AGR program

- 13 November 2018, the applicant was promoted to the rank/grade of captain/O-3 by Special Orders Number 295 effective on with a date of rank of 19 September 2018
- Soldier Management Services – WEB Portal (SMS WEB) shows his pay entry base date as 3 November 2011

3. On 5 March 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for ETP to be paid BRS CP after his 12th year of service. The advisory official recommended approval of his request. His entitlement end point to eligibility to receive BRS CP was 3 November 2023; however, he did not request it until 24 May 2024. His request for payment of the BRS CP should be based of the application which was the date he would have been otherwise qualified. The control number for his request is CP2405001. If the Board grants him relief the payment should be based on the pay grade of O-3 with 12-years of service for pay purposes from the 2023 pay scale in the amount of \$19,254.00 less taxes.

4. On 11 March 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

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 recommendations outlined in the G1 advisory opinion, the Board concluded there was sufficient evidence to pay the applicant BRS (CP) based on the pay grade of O-3 with 12-years of service for pay purposes from the 2023 pay scale in the amount of \$19,254.00 less taxes.

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 for BRS (CP) and paying the applicant BRS (CP) based on the pay grade of O-3 with 12-years of service for pay purposes from the 2023 pay scale in the amount of \$19,254.00 less taxes.

//SIGNED//

X

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.

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 2 March 2023, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective 1 January 2023 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 8-years of service but not more than 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

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

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//