

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 August 2025

DOCKET NUMBER: AR20240008374

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid the Blended Retirement System Continuation Pay (BRS CP) after her 12th year of service based on her Pay Entry Base Date (PEBD).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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:
 - She was eligible for BRS CP in 2022; however, she did not submit the request because she was not aware of the incentive
 - She recently found out about it in May at her unit training assembly
3. A review of the applicant's service record shows:
 - On 18 February 2010, she enlisted in the Army National Guard of the United States (ARNGUS)
 - She was ordered to active duty on multiple occasions for initial active duty for training and operational support
 - On 21 March 2015, she extended her enlistment in the ARNGUS for 6-years for a new expiration of term of service (ETS) of 17 February 2022
 - Her service record is void of any additional extensions or reenlistments
 - On 18 February 2022, she obtained 12-years of service
 - Soldier Management Services - WEB Portal (SMS WEB) shows her ETS is 17 July 2028 and her Pay Entry Base Date is 18 February 2010

4. On 22 April 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant’s request for an ETP to be paid BRS CP after her 12-years of service. The advisory official recommended approval of her request. Her leave and earning statement indicates she is enrolled in BRS. A further review of her service record shows her Date of Initial Entry in Military Service is 18 February 2010. On 17 February 2022, she completed 12-years of service. As she was unaware of the BRS CP incentive around the time of her eligibility, she should be eligible to have the date adjusted and should be permitted to receive BRS CP to remedy the inability to request BRS CP during her eligibility window due to the lack of knowledge prior to 18 May 2024.

5. On 24 April 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. She 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 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 National Guard Bureau advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 Army National Guard 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 her entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

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.

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. (2) In the case of a member of a reserve component:

(A) The amount of monthly basic pay to which the member would be entitled at 12-years of service if the member were a member of a regular component multiplied by 0.5; plus
(B) At the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6-

months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

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 4 times base pay for Reserve component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

//NOTHING FOLLOWS//