

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240008379

APPLICANT REQUESTS: correction of her record to show she was 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)
- Request for CP (BRS), digitally endorsed by the applicant on 29 September 2021 that requests CP (BRS) in the amount of four times the monthly basic pay as a staff sergeant (SSG), to be paid in a lump sum, in agreement to an additional obligated service (AOS) of 8 years; the request is not endorsed by the certifying official or approval authority
- Email Correspondence, 10 May 2024 between the 915th Contracting Battalion Operations Officer and the Retirement Services Noncommissioned Officer in Charge of the Office of the Chief of Army Reserve, G-1 pertaining to an Exception to Policy (ETP) for the applicant's request for CP (BRS)
- Memorandum; Subject: Letter of Lateness/ETP for the BRS CP (Applicant), 26 April 2024, endorsed by the applicant that requests an ETP and details the timeline of events that led to the late submission of the applicant's request for CP (BRS)
- Email Correspondence from August 2021 informing the applicant she may be entitled to CP (BRS); and emails from September 2021 from the applicant to Mr. L- S- requesting assistance in submitting her Request for CP (BRS) before her 12th year of service
- Memorandum; Subject: Letter of Lateness/ETP for the BRS CP (Applicant), 26 April 2024, endorsed by the applicant's battalion and brigade commanders, that requests an ETP for the late submission of the applicant's Request for CP (BRS)
- Personnel Action Packet Checklist, 9 May 2024 that requests an ETP to process the applicant's Request for CP (BRS)
- Request for CP (BRS) digitally endorsed by the applicant on 2 November 2023 that requests CP (BRS) in the amount of four times the monthly basic as a SSG/E-6, to be paid in a lump sum, in agreement to an AOS of 4 years; the

request was endorsed by the certifying official and approval authority on 3 November 2023

- Leave and Earnings Statement, 1 May 2024 that shows the applicant is a SSG/E-6, with 14 years of service, and contributing to the Thrift Savings Plan (TSP)
- Adjustment Certification Worksheet, 1 December 2023 requesting to process the applicant's Request for CP (BRS)
- DA Form 4856 (Developmental Counseling Form), 3 May 2024 that counseled the applicant in regard to her eligibility for CP
- Memorandum; Subject: Assumption of Command by Authority of Paragraph 2-5, Army Regulation 600-20 (Command Policy), 1 March 2022 in which LTC J P- assumed command of the 915th Contracting Battalion

FACTS:

1. The applicant states:

- she submitted a request for CP (BRS) in September 2021 and did not know until months later that it was returned without action
- the Unit Administrator did her a disservice in her attempts to get this resolved and was highly unresponsive
- she was responsible, took due diligence to supply all information and documentation to process the request for CP BRS, followed up and was consistent in attempting to resolve this
- she has been left with very little recourse almost three years later

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

- She enlisted in the USAR on 17 December 2009 for a term of 6 years
- She reenlisted in the USAR on 23 January 2015 for a term of 6 years
- Orders Number 20-125-00015 dated 4 May 2020, promoted the applicant to the rank/grade of SSG/E-6 with a date of rank of 2 May 2020
- She reenlisted indefinitely the USAR on 14 January 2021
 - Request for CP (BRS) digitally endorsed by the applicant on 9 January 2022 and void of a control number:
 - that requests CP in the amount of four times the monthly basic pay for a SSG/E-6, to be paid in a lump sum
 - in agreement to an AOS of 4 years; the request was endorsed by the certifying official on 24 February 2022 and the approval authority on 4 April 2022

- Request for CP (BRS) digitally endorsed by the applicant on 2 November 2023 and void of a control number:
 - that requests CP in the amount of four times the monthly basic pay as a SSG/E-6, to be paid in a lump sum, in agreement to an AOS of 4 years; the request was endorsed by the certifying official and the approval authority on 3 November 2023
- DA Form 5016 (Retirement Accounting Statement) dated 17 January 2025 that shows she has accumulated 15 years of service that qualify for retirement and her Pay Entry Basic Date (PEBD) is 17 December 2009

3. On 3 March 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 that states:

a. Recommend this case 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, she was not able to submit the CP application until 3 November 2023, although she signed the initial application on 29 September 2021 and the end point for her 12th year of service for pay was 17 December 2021.

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 E-6 with 12 years of service for pay on 21 December 2021. If the Board grants administrative relief, the payment would be based on the pay grade of E-6 with 12 years of service for pay purses from the 2021 pay scale; $\$4,114.50 \times 4.0$ (multiplier) = \$16,458.00, less 22 percent federal withholding tax

4. On 4 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She did not provide a response.

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 Headquarters, Department of the Army G-1 advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS from 21 December 2021 to 21 December 2025.

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 Department of the Army 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
- the payment would be based on the pay grade of E-6 with 12 years of service for pay purses from the 2021 pay scale; \$4,114.50 x 4.0 (multiplier) = \$16,458.00, less 22 percent federal withholding tax

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.

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.

//NOTHING FOLLOWS//