

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 March 2025

DOCKET NUMBER: AR20240008396

APPLICANT REQUESTS: Exception to Policy (ETP) to be able to receive 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)
- Request for Continuation Pay (Blended Retirement System), 7 April 2024:
  - shows his Pay Entry Basic Date (PEBD) as 13 January 2012
  - the applicant requested CP BRS at 4x his monthly basic pay for his current pay grade of first lieutenant (1LT)/O-2 to be paid in one single, lump sum payment
  - he agreed to an additional obligated service of 4 years
  - the applicant and an approval authority endorsed the form on 7 April 2024
  - the form is void of a certifying official signature

FACTS:

1. The applicant states in effect:

- he was not aware of the opportunity until he had 12 years and 1 month of service; his name did not appear in the unit's notification tracker for being in the window
- he learned of the opportunity from an outside source
- he was not counseled of the program until he was at 12 years and 3 months of service where all parties were under the impression that before the 12th year of service included the 12th year

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

- On 12 January 2012, the applicant enlisted in the U.S. Army Reserve (USAR)
- On 8 September 2017, he acknowledged on DA Form 597-3 (Army Senior Reserve Officers' Training Corps (ROTC) Scholarship Cadet Contract) his participation in the ROTC program with attendance to McDaniel College

- Orders Number 144-005 dated 24 May 2019, discharged him from USAR Control Group (ROTC) for the purpose of accepting a commission in the U.S. Armed Forces
- On 24 May 2019, the applicant was appointed as a Reserve commissioned officer, executed an oath of office and was granted temporary Federal Recognition as a second lieutenant (2LT) in the Virginia Army National Guard (VAARNG)
- Special Orders Number IP-2550 dated 24 September 2021 shows the applicant was promoted to the rank/grade of 1LT/O-2 with a date of rank of 24 November 2020
- Officer Record Brief (ORB) dated 8 December 2023, shows in Section III (Service Data) his basic date of appointment is 24 May 2019; his ORB is void of his PEBD
- On 13 January 2024, the applicant obtained 12-years of service base on his PEBD
- The applicant remains a member of the VAARNG

3. On 21 March 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for an ETP to receive BRS CP for Calendar Year 2024 (CY24).

a. The advisory official stated that after review of the applicant's records and coordination with the VAARNG, it was determined the applicant's PEBD is 13 January 2012, making him eligible to apply for BRS-CP between 13 January 2020 and 13 January 2024. VAARNG verified the applicant was not notified until after his window of eligibility. Headquarters Department of the Army (HQDA) Execution Order (EXORD) 140-21 states Soldiers in BRS will complete training for CP at least 90 days prior to the last date an individual is eligible through online training, face to face or group training.

b. It is the recommendation of this office that the applicant's request be approved. The applicant was not notified or completed training in accordance with HQDA EXORD 140-21 during his BRS-CP eligibility window. The VAARNG concurs with this advisory opinion.

4. On 21 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, the statement of the applicant, and the NGB advisory opinion corroborating the statement of the applicant, the Board concluded there was sufficient evidence that the applicant did not receive proper training on the timeliness requirements for BRS (CP); thus, an injustice was present warranting relief. The Board recommended changing the applicant's record showing he made a timely submission for the BRS (CP) benefit, as requested.

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 submitted a timely request for BRS (CP), the request was received by the appropriate agency, thus warranting payment of BRS (CP) to the applicant.

//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. Title 37 United States Code, 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 an active duty member, 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.

2. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 27 January 2022, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2022 (CY22) states the guidance was effective on 1 January 2022 and expired on 31 December 2022 and it applied to Regular Army (RA), Army National Guard (ARNG) /Army National Guard of the United States (ARNGUS), and the U.S. Army Reserve Soldiers who were covered under the BRS. For eligibility for Army Reserve and Army National Guard Soldiers:

- covered under the BRS and has not previously received CP BRS; and
- has completed no less than 8-years and not more than 12-years of service during the CY 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

//NOTHING FOLLOWS//