

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 September 2025

DOCKET NUMBER: AR20240008401

APPLICANT REQUESTS: retroactive enrollment to Continuation Pay (CP) Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action), dated 24 February 2025 showing he requested and was approved for an exception to policy for enrollment into the BRS CP program
- DA Form 4037 (Officer Record Brief), dated 24 February 2025 showing his basic date of appointment as 18 December 2010
- Joint Knowledge Online certificate of completion for Blended Retirement System (BRS) Opt-In Course, dated 24 February 2025
- Defense Finance and Accounting Service Military Leave and Earnings Statement, dated 19 February 2025 showing his enrollment in the Thrift Savings Plan
- National Guard Bureau, Memorandum, SUBJECT: BRS CP – Calendar Year 2023 showing the eligibility requirements for National Guard Soldiers serving in the Selected Reserve (non-Active Guard Reserve) entitling them to payment four times the amount of the monthly basic pay rate at their pay grade and years of service at the time of signature of the Request for Continuation Pay document

FACTS:

1. The applicant states, in pertinent part:

- He was entitled to the BRS CP payment for 2022, but never received it
- He was unaware of the benefit option at the time he became eligible
- He met all requirements as an Army National Guard member by being covered under BRS but never receiving CP previously, having a pay entry base date (PEBD) between 1 January 2011 and 31 December 2015, and completed 12 years of service in 2022
- The 2022 pay rate was four times the active duty pay based on the current grade and years of service at the time CP would be approved

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

- On 11 December 2010, he accepted a Reserve commission and executed an oath of office
- NGB Form 337 (Oaths of Office), dated 18 December 2010 shows he accepted commission with the Virginia Army National Guard (VAARNG) and executed an oath of office
- Orders Number 062-077, dated 3 March 2011 was issued for retroactive appointment in the Army National Guard in the grade of second lieutenant with the engineering branch, effective 18 December 2010
- Special Orders Number 206 AR, dated 1 September 2011 was issued for retroactive Federal recognition of his initial appointment with the Army National Guard effective 18 December 2010
- His record is void of the Request for Continuation Pay (BRS), form detailing the requested BRS compensation with authority signature
- He continues service with the VAARNG

3. On 1 April 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending approval of the applicant's request stating, in pertinent part:

a. The applicant claims he was not paid the BRS CP because he was not made aware of the BRS CP timeline due to nobody in his command tracking his due date and therefore missing the application date.

b. The BRS went into effect on 1 January 2018. It effected all new service members who joined the service after 1 January 2018. All other members who were serving as of 31 December 2017 were grandfathered under the Army legacy system. The objective of BRS-CP is to offer midcareer service members a financial incentive to remain in their service in exchange for committing to at least four more years. Time of service is calculated from the service member's pay entry base date (PEBD). The current law does not allow for the acceptance of a CP contract beyond the 12th year of service for active-duty Soldiers, or any member of the Reserve Component of a Uniformed Service who has accumulated higher than 4320 retirement points.

c. Each state Retirement Service Officer verifies and certifies eligibility for BRS-CP. He opted into BRS on 21 January 2018 according to HQDA. The PEBD is 18 December 2010 and therefore was eligible to apply for BRS-CP between 18 December 2021 and 17 December 2022. Through no fault of the applicant, he did not receive notification of his eligibility to apply until the suspense had already passed.

d. BRS-CP is an entitlement from the Department of the Army and is restricted to the criterion of Title 37, United States Code, Section 356, therefore the National Guard.

Bureau is unable to approve an exception to policy without adjudication by the ABCMR. This office recommends approval of the applicant's request for payment of BRS-CP due to eligibility and circumstances beyond his control which prevented payment.

e. The opinion was coordinated with the assistance of the HQDA, G9, Financial Education Program Manager and the VAARNG.

4. On 4 April 2025, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond. 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 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. The Board reviewed and concurred with the National Guard Bureau advisory noting the applicant was not made aware of the BRS CP timeline due to nobody in his command tracking his due date and therefore missing the application date. The Board granted relief to allow CP BRS from 18 December 2021 and 17 December 2022.

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 and 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 his 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. 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 a member of a Reserve Component, if the member is performing 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. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full 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.

3. Deputy Secretary of Defense Memorandum dated 27 January 2017, 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//