

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2025

DOCKET NUMBER: AR20240008549

APPLICANT REQUESTS: retroactive enrollment into the Blended Retirement System (BRS), effective 1 January 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum; Subject: Request for Exception to Policy, Retroactive Opt-In to the BRS, 8 June 2024 in which the applicant's battalion and brigade commanders endorsed his exception to policy request

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:

- he opted into the BRS Program on 1 January 2018 and was impacted by the initial administrative implementation issues of the new retirement plan
- he has experienced unrecoverable financial hardship and was impacted by undue financial hardship and exhausted reasonable effort to correct the error
- the error is systematic in nature and the cause of a newly implemented retirement plan
- the enrollment error resulted in lost compensation that requires immediate attention and correction in the interest of justice

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

- On 30 June 2010 he enlisted in the Army National Guard (ARNG) for a term of 6 years
- On 7 August 2014, Orders Number 225-079 discharged him from the ARNG to accept appointment as a commissioned/warrant officer

- On 8 August 2014 he was appointed as a Reserve Commissioned Officer in the Quartermaster Corp and subsequently executed an Oath of Office
- Orders Number T-01-500689 ordered him to active duty for training (ADT) on 16 February 2015 to attend the Basic Officer Leader Course
- On 4 June 2015 he was honorably released from active duty training
- He has remains in the U.S. Army Reserve

4. The applicant does not provide, nor does his record reflect evidence of enrollment into the BRS.

5. On 21 March 2025, in the processing of this case, the Office of the Deputy Chief of Staff, G-1, provided an advisory opinion regarding the applicant's request for retroactive enrollment into the BRS and states:

a. After careful review of the information provided, in the interest of fairness and equity, the applicant should be provided an opportunity to enroll in the BRS effective the current date.

b. The U.S. Army Human Resources Command confirmed the applicant had the opportunity to opt into BRS during the open enrollment period of 1 January 2018 through 31 December 2018; however, there is no documentation or evidence presented that reflects he made this election.

c. The applicant should remain in the High 3 retirement system if the option to opt into BRS is not made.

6. On 25 March 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He has not provided a response.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations of the G1 advisory opinion and the lack of any rebuttal of those findings and recommendations submitted by the applicant, the Board concluded there was sufficient evidence to permit the applicant to submit a request to be enrolled in the BRS retirement system upon submission, effective the date of the submission.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by offering the applicant to submit a new application to enroll in the BRS retirement system, effective the date of submission. The applicant will have six months from the time of final adjudication of this case to make such an election.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to retroactively enrolling the applicant into the BRS retirement system.

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 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Public Law 114-92, dated 25 November 2015, section 631 (Modernized Retirement System for Members of The Uniformed Services) (a) Regular Service, in the case of a member who first becomes a member of the uniformed services on or after 1 January 2018, or a member who makes the election. (B) Election to Participate in Modernized Retirement System, a member of a uniformed service serving on 31 December 2017, who has served in the uniformed services for fewer than 12-years as of 31 December 2017, may elect, in exchange for the reduced multipliers for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions. (C) Election Period, (i) a member of a uniformed service may make the election authorized only during the period that begins on 1 January 2018 and ends on 31 December 2018. (ii) Hardship Extension, the Secretary concerned may extend the election period for a member who experiences a hardship as determined by the Secretary concerned.
3. Title 10 USC, section 1409 (Retired pay multiplier), b (4) (Modernized retirement system), (A) Reduced multiplier for full tsp members, in the case of a member who first becomes a member of the uniformed services on or after 1 January 2018, or a member who makes the election. (B) (Election to participate in modernized retirement system), a member of a uniformed service serving on 31 December 2017, who has served in the uniformed services for fewer than 12-years for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions. (C) (Election period), a member of a uniformed service may make the election authorized only during the period that begins on 1 January and ends on 31 December 2018. (ii) (Hardship extension), the Secretary concerned may extend the election period for a member who experiences a hardship as determined by the Secretary concerned.
4. Deputy Secretary of Defense memorandum dated 27 January 2017, Subject Implementation of the Blended Retirement System, implements guidance for the Blended Retirement System for the Uniformed Services. Attachment 1 (Guidance for Implementation of the Blended Retirement System for the Uniformed Services), Paragraph 9 (Enrollment), a. Enrollment Period, (1) A member of a Uniformed Service who qualifies to enroll in the BRS under any of the provisions outlined in paragraphs 6.b.(2) through 6.b.(6) may make the election to enroll on or after 1 January 2018 through 31 December 2018. b. (Procedures for Enrollment), (1) A member of a Uniformed Service who is eligible to enroll in the BRS must complete the mandatory

training on opting into the BRS provided by the ASD(R), in accordance with procedures prescribed by the Secretary concerned, prior to making an election to enroll. (2) For members of the Army, Navy, and Air Force, enrollment in the BRS shall be completed on the "MyPay" website (<https://mypay.dfas.mil/>) in accordance with procedures separately promulgated by DFAS. (3) The decision to elect to enroll in the BRS is irrevocable. (4) Prior to making the election to enroll in the BRS, members of the Uniformed Services who are eligible and who choose to enroll in the BRS, must affirm on the MyPay website, or through procedures specified by the Secretary concerned that they have completed the mandatory training and that they acknowledge the decision to enroll in the BRS is irrevocable.

//NOTHING FOLLOWS//