

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2025

DOCKET NUMBER: AR20240008551

APPLICANT REQUESTS: correction of his record to show he 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 11 January 2019 that requests CP (BRS) in accordance with Assistant Secretary of the Army (Manpower and Reserve Affairs) Calendar Year 2019 guidance, to be paid in a lump sum; the request was endorsed by the certifying official on 11 April 2024 and the approval authority on 18 June 2024
- Two Leave and Earnings Statements dated 19 January 2018 and 15 January 2019
- Memorandum; Subject: Continuation Pay Packet for Processing in which the applicant details the circumstances surrounding the late submission of his Request for CP (BRS)
- Email Correspondence between 28 February 2024 and 1 April 2024 with the 88th Readiness Division's (RD) Inspector General and 88th RD's Reserve Personnel Action Center (RPAC) personnel in attempts to locate the applicant's Request for CP (BRS) and any possible resolution

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 in part, he met all the requirements for the BRS program and submitted all supporting documentation to his unit for further processing. After following up with his unit's S1 he discovered that action had not been taken on his request for CP BRS and believes the correction should be made as this was due to no fault of his own.
3. A review of the applicant's service record shows:

- On 21 February 2007 he enlisted in the U.S. Army Reserve (USAR) for a term of 8 years
- On 20 February 2013, he reenlisted in the USAR for a term of 6 years
- Orders Number 15-043-00033 dated 12 February 2015 promoted him to the rank/grade of staff sergeant (E-6), effective 1 January 2015
- On 6 September 2019 he reenlisted indefinitely in the USAR
- Orders Number R-06-103241 dated 24 June 2021 ordered him to active duty in an Active Guard/Reserve status with a report date of 1 September 2021
- DA Form 5016 (Retirement Accounting Statement) dated 22 March 2025 shows he has 17 years of service qualifying for retirement and his Pay Entry Base Date was 1 March 2007

4. 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 CP BRS for Calendar Year 2019.

a. After careful review of the information provided, this office recommends this case be approved in the interest of fairness and equity. The applicant claims to not have been provided with timely and accurate guidance regarding this application of CP, which was requested on 11 January 2019, and otherwise would have been submitted within the published timeframe.

b. The applicant's request for payment of CP should be made based on the date the Soldier signed the CP application in accordance with reference 1.c. The control number on the application should be CP1901001.

c. If the Board grants administrative relief, the payment would be based on the pay grade of E-6 with 11 years for pay purposes from the 2019 pay scale ($\$3,656.40 \times 2.5 = \$9,141.00$, gross entitlement, less applicable federal and state taxes).

5. 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 relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendation outlined in the G1 advisory opinion, and the lack of any rebuttal of those findings and recommendation submitted by the applicant, the Board concluded there was sufficient evidence to correct the applicant's record to show he made a timely submission to be paid Continuation Pay in the Blended Retirement System.

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 made a timely submission for Continuation Pay in the Blended Retirement System, resulting in payment based on the pay grade of E-6 with 11 years for pay purposes from the 2019 pay scale (\$3,656.40 x 2.5 = \$9,141.00, gross entitlement, less applicable federal and state taxes).

//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.

REFERENCE:

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.

//NOTHING FOLLOWS//