

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2025

DOCKET NUMBER: AR20240008661

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid 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)
- National Guard Bureau (NGB) Memorandum dated 25 March 2024, Subject: BRS CP – Calendar Year 2024 (CY24) Implementation Guidance shows:
 - Service members enrolled in BRS are eligible for BRS CP in CY24 who have completed not less than eight years and not more than 12-years of service
 - Based on their Pay Entry Base Date (PEBD)
 - At four times their monthly pay
 - In exchange for four additional years of service obligation
- E-mail regarding the applicant's communication with his unit about BRS CP
- Joint Knowledge On-line shows the applicant completed BRS Opt-in training on 24 March 2025
- Leave and Earnings Statement dated 1 April 2025 shows the applicant completed 15-years of service and the box titled Retirement Plan is blank
- DA Form 4187 (Personnel Action) shows:
 - On 4 April 2025, the applicant requested an ETP to be paid BRS CP
 - He is enrolled in BRS retirement plan
 - During enrollment information was not provided regarding the BRS CP incentive during the eligibility period (8 to 12-years)
 - He was not notified of his window to participant in BRS CP
 - Information about BRS CP was provided after his 12th year of service
- Officer Record Brief shows his basic date of appointment was 2 May 2015, promoted to the rank of first lieutenant effective 2 November 2016, promoted to the rank of captain effective 13 April 2020

FACTS:

1. The applicant states:

- He was informed about BRS CP during his Captain Career Course when he was past the eligibility window
- He missed out on BRS CP due to no fault of his own
- Losing benefits due to the failures of higher headquarters is an injustice to the Soldier
- Units failed to inform the traditional Soldiers of their eligibility in a timely manner
- He exhausted administrative remedies with his unit
- The Inspector General officer directed him to the Army Board for Correction of Military Records

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

- On 30 October 2009, he enlisted in the Indiana (IN) Army National Guard of the United States (ARNGUS)
- On 12 February 2010, he reenlisted in the INARNG
- On 1 May 2015, he was honorably discharged from the ARNGUS to accept a commission
- On 2 May 2015, he executed his oath of office and was appointed as a Reserve commissioned officer and extended temporary Federal recognition in the INARNG
- On 2 May 2015, he was appointed in the INARNG and extended Federal recognition by Special Orders Number 176 dated 6 August 2015
- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was ordered to active duty for training to attend the Basic Officer Leaders Course during the period of 2 March through 23 June 2016
- On 2 November 2016, he was promoted to the rank of first lieutenant by Special Orders Number 180 dated 30 August 2017
- On 2 January 2018, he was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield) by Orders Number 17-349-0003 dated 15 December 2017
- On 8 December 2018, he was honorably released from active duty
- On 13 April 2020, he was promoted to the rank of captain by Special Orders Number 169 dated 10 June 2020
- DD Form 214 show he was ordered to active duty for contingency operations during the period of 4 August through 8 October 2020
- He obtained 12-years of service base on his PEBD on 29 October 2021
- Soldier Management Services – WEB shows his PEBD as 30 October 2009

3. On 23 April 2025, in the processing of this case, the National Guard Bureau, provided an advisory opinion regarding the applicant's request for an ETP to be paid

BRS CP. The advisory official recommends an ETP approval of his request due to no fault of his own. The applicant was enrolled in BRS when he was in his eligibility window for BRS CP which ended on 29 October 2021. The INARNG stated the applicant was most likely not notified or trained on BRS CP when he was assigned to a deploying unit.

4. On 23 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

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 National Guard Bureau, Chief, Special Actions Branch advisory opinion, the Board concurred with the advisory official finding the applicant be granted an ETP to be paid BRS CP, since he was enrolled in BRS when he was in his eligibility window for BRS CP which ended on 29 October 2021.

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 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

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.

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//