

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 April 2025

DOCKET NUMBER: AR20240008738

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)
- Leave and Earnings Statement (LES) for the period of 1 through 31 January 2022 shows the applicant at the time completed 10-years of service and was enrolled in the BRS
- Request for BRS CP shows:
 - He agreed to BRS CP in accordance with the Calendar Year 2024 (CY24) guidance
 - he agreed to an additional 4-years of obligated service
 - to receive 2.5 times his monthly base pay for his current grade of Chief Warrant Officer Two
 - he requested a lump sum payment
 - request signed by the applicant on 26 June 2024
 - certified by the certifying official on 25 July 2024
 - approved on 16 July 2024
- LES for the period of 1 through 31 July 2024 shows the applicant completed 13-years of service and was enrolled in the BRS

FACTS:

1. The applicant essentially states:

- If his request was processed in a timely manner, he would have met the eligibility requirements for CY23
- Eligibility window is between 8 and 12-years of service and he is at 13-years of service
- He was not aware of BRS CP until his unit briefed him on the program
- He enrolled in BRS prior to his 12th year of service

- Though he is outside the eligibility window, he feels his enrollment in BRS and the time he has committed and will continue to commit, he and his family should be entitled to BRS CP

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

- On 22 February 2011, he enlisted in the Regular Army and continuously served as an enlisted Soldier through reenlistments
- On 8 February 2022, he was honorably discharged from active duty to accept a commission as a warrant officer
- On 9 February 2022, he executed his oath of office and was appointed as a Reserve warrant officer
- On 9 February 2022, he was ordered to active duty for a 6-year active duty commitment by Orders Number 040-397-A-047 dated 9 February 2022
- Enlisted Record Brief shows his Pay Entry Base Date (PEBD) as 22 February 2011
- Officer Record Brief shows his PEBD as 5 October 2010
- Soldier Management Services - WEB Portal shows his PEBD as 5 October 2010

3. On 27 March 2025, in the processing of this case, the Deputy Chief of Staff G1, provided an advisory opinion for the applicant's request for an ETP to be paid BRS CP outside his 12th year of service. The advisory official recommended approval of his request in the interest of fairness and equity. The applicant's request was dated 26 June 2024; however, the entitlement date should be based on the end point for the 12th year of service on 22 February 2023 based on his PEBD. The control number should be CP2406001. If the Board grants administrative relief, the payment should be based on pay grade for warrant officer one with 12 years of service for pay purposes from the 2023 pay scale ($\$5,318.70 \times 2.5 = \$13,296.75$. less Federal and state withholdings).

4. On 4 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

5. On 6 April 2025, the applicant responded via e-mail in effect concurring with the advisory opinion.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Board concurs with the advisory opinion recommendation to approve the applicant's request for an ETP to be paid BRS CP outside his 12th year of service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	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 the Army records of the individual concerned be corrected by:

- showing the applicant submitted an exception to policy to the Army G-1 for enrollment to include a retroactive start date to his 12th year of service mark (22 February 2023)
- showing his exception to policy was timely received and approved by the Army G-1 and assigned the control number CP2406001
- payment of Continuation Pay is based on pay grade for warrant officer one with 12 years of service for pay purposes from the 2023 pay scale (less applicable federal and State taxes)

5/6/2025

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. 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. 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.

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//