

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 April 2025

DOCKET NUMBER: AR20240008742

APPLICANT REQUESTS: enrollment into the BRS (BRS) vice the Choice retirement program.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action) endorsed by the applicant on 13 May 2024 in which he requests an exception to policy for enrollment into the BRS
- Certificate, BRS Opt-In, 4 March 2024, that shows he successfully completed the training course
- Enlisted Record Brief that shows his basic active service date and pay entry base date as 28 September 2015
- Leave and Earnings Statement for the month of June 2024 that shows he is in the Choice retirement plan

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 was deployed overseas in a combat zone and did not have access to MyPay along with the BRS link not being available
- he also states there was no briefing about being able to opt-in to the BRS while he was a first term Soldier and was not made aware of a cutoff date for the opt-in

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

- On 28 September 2015 he enlisted in the Regular Army
- On 6 February 2018 he reenlisted in the Regular Army for a term of 5 years; and again, on 29 March 2022 for a term of 6 years

- He remains on active duty

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

5. On 27 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 enrollment into the BRS and states:

a. After careful review of the information provided, in the interest of fairness and equity, the Soldier should be provided an opportunity to enroll in the BRS effective 4 March 2024, the date of completion of the BRS opt-in training. The applicant was deployed from February thru November 2018 and was not given adequate notification of eligibility and opportunity to enroll in BRS.

b. 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 the applicant made this election due to the deployed status.

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

6. On 3 April 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 facts and recommendation outlined in the G1 advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting changing the applicant's record to show he enrolled in the BRS effective 3 March 2024, the date he completed BRS opt-in training.

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 he enrolled in the BRS effective 3 March 2024, the date he completed BRS opt-in training.

//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.

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 BRS, implements guidance for the BRS for the Uniformed Services. Attachment 1 (Guidance for Implementation of the BRS 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 the Defense Finance and Accounting Service.

(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//