

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

N. BOARD DATE: 29 April 2025

DOCKET NUMBER: AR20240008750

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after her 12th year of service.

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

- DD Form 149 (Application for Correction of Military Record) Hardcopy
- Leave and Earnings Statement dated 20 December 2023 shows:
 - Applicant obtained 12-years of service for pay purposes
 - Pay date of 21 November 2011
 - Retirement plan is blank
- Request Form BRS CP shows:
 - Applicant requested BRS CP on 6 January 2024
 - Agreed to accept BRS CP in accordance with the calendar year 2023 BRS CP Guidance
 - BRS CP payment would be 4 times her monthly basic pay for her current grade and years of service
 - Agreed to 4-years of additional obligated service
 - Requested a lump sum payment
- DA Form 4856 shows the applicant was counseled on 7 April 2024 to notify her she was not eligible for BRS CP because she was outside the 12th year of service
- ID Army National Guard (IDARNG) Memorandum, Subject: Major S_, R- (the applicant) Request for BRS CP, dated 7 April 2024 states:
 - IDARNG failed to establish clearly defined, well managed process of informing Soldiers of the BRS CP program
 - Process was not effective until late December 2023 to notify and track eligible Soldiers
 - As a result, many service members had passed the eligibility window when notified

- The applicant's Pay Entry Base Date (PEBD) is 21 November 2011
- The applicant was counseled regarding BRS CP on 6 January 2024 which was outside the eligibility window
- The delay in BRS CP eligibility notification and processing was no fault of the applicant

FACTS:

1. The applicant essentially states:

- She is enrolled in the BRS
- She is willing to commit to the additional 4-year service obligation
- BRS CP eligibility ends when service members begin their 12th year of service
- She was not aware of the BRS CP eligibility requirements until after her 12th year of service
- She was not informed about BRS CP until she was outside her 12th year of service

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

- On 21 November 2011, she enlisted in the ARNG of the United States
- On 18 September 2013, she was honorably discharged from the ARNGUS to accept an appointment as a commissioned officer
- On 19 September 2013, she was appointed a second lieutenant in the IDARNG and extended a Federal recognition by Special Orders Number 44 dated 26 February 2015
- On 26 October 2022, she was promoted to the rank of major (MAJ) by Special Orders Number 104 dated 20 March 2023, Special Orders Number 123 dated 2 April 2024 and Special Orders Number 339 dated 5 September 2024
- Soldier Management Services - WEB Portal shows the applicant's:
 - Date of rank as a MAJ is 26 October 2022
 - PEBD is 21 November 2011

3. On 10 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 outside her 12th year of service. The advisory official recommended approval of her request. The applicant is enrolled in the BRS as confirmed by her leave and earnings statement. She was not aware of her eligibility window to apply for BRS CP and did not complete her request for BRS CP until 6 January 2024. Afterwards, she was counseled regarding her ineligibility for BRS CP. The applicant's PEBD is 21 November 2011, which meant her eligibility window closed on 20 November 2023. The ID ARNG stated there was no notification process established to notify Soldiers of their eligibility window

until 2024. Headquarters Department of the Army Executive Order 140-21 states Soldiers enrolled in BRS will complete training for BRS CP at least 90-days prior to the last date of their eligibility. The applicant was not properly notified and trained for the BRS CP eligibility and procedures through no fault of her own.

4. On 14 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

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 and the findings outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting changing the applicant's record showing she made a timely submission for Blended Retirement System Continuation Pay (BRS CP) prior to completing her 12th year of military service.

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 Blended Retirement System Continuation Pay (BRS CP) prior to completing her 12th year of military service.

//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. 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//