

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 May 2025

DOCKET NUMBER: AR20240008770

APPLICANT REQUESTS: Exception to Policy (ETP) for enrollment into the Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action) dated 23 April 2024 in which he requests an ETP for enrollment in the BRS
- Leave and Earnings Statement for the month of June 2024 that shows he is enrolled into the "CHOICE" retirement plan
- Certificate: BRS Opt-In that shows he successfully completed the course on 18 April 2024
- Soldier Talent Profile

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 commissioned on active duty in September 2020 during the BRS enrollment period
- upon his first assignment to active duty the opportunity to enroll had passed and he was not provided the same opportunity to enroll, nor was he aware of the opportunity or requirement to do so
- immediately upon becoming aware of the BRS he initiated action to enroll

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

- On 27 November 2017 he enlisted as a Cadet in the Reserve Officers' Training Corp (ROTC)

- Orders Number 255-021 dated 11 September 2020 ordered him to active duty upon acceptance of appointment in the U.S. Army Reserve (USAR) with a report date of 19 October 2020
- Orders Number 262-1 dated 19 September 2020 discharged him from the USAR Control Group (ROTC) to accept a commission in the U.S. Armed Forces, effective 18 September 2020
- On 19 September 2020 he was appointed as a Reserve commissioned officer of the Army, and subsequently executed an Oath of Office the same day as a second lieutenant in the USAR
- His Officer Record Brief shows his basic active service date of 14 October 2020
- He remains on active duty

4. On 9 May 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 retroactive enrollment into the BRS and states:

a. After careful review of the information provided, in the interest of fairness and equity, the applicant should be provided an opportunity to enroll in the BRS, effective 18 April 2024, the date of the completion of the BRS opt-in training.

b. The applicant was never informed of the correct process or timeline for opting into BRS during his accession onto active duty. If he would have been provided the correct information or was given adequate notification of eligibility and opportunity to enroll in BRS, he would have completed the correct opt-in process.

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

5. On 12 May 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 G1 advisory opinion, the Board concluded there was sufficient evidence to change the applicant's military record to show enrollment in the BRS, effective 18 April 2024.

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 changing the applicant's military record to show the applicant made a timely submission to enroll in the BRS, it was accepted by the applicant agency to become effective 18 April 2024.

//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 Blended Retirement System, implements guidance for the Blended Retirement System for the Uniformed Services. Attachment 1 (Guidance for Implementation of the Blended Retirement System 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 DFAS. (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.

5. All Army Activity Message Number 028/2018 states, effective 1 January 2018, eligible Soldiers who completed the mandatory training were eligible to enroll in the

BRS. The Department of Defense policy is that this informed decision by a Soldier eligible to enroll in the BRS is irrevocable.

//NOTHING FOLLOWS//