

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 May 2025

DOCKET NUMBER: AR20240008773

APPLICANT REQUESTS: retroactive enrollment into the Blended Retirement System (BRS), effective 1 July 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate, BRS Opt-In Course that shows he successfully completed the course on 8 July 2020
- DA Form 4187 (Personnel Action) dated 27 June 2024 requesting an exemption to policy enrollment in the BRS, which was recommended for approval by the applicant's commander on 9 July 2024
- Three DA Forms 2142 (Pay Inquiry) dated 8 July 2020 that inquires about the applicant's enrollment into the BRS

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 completed the BRS training and submitted a pay inquiry, as directed
- he has tried several times to have this situation rectified and has submitted an exception to policy to the Fort Bliss finance office on two separate occasions
- while he was deployed to Korea in 2022, his efforts halted on correcting the issue
- upon completing a signed DA Form 4187 by the Dental Command commanding officer to the Compensation and Entitlements Division of the Army G-1, he was informed that they do not have the authority to approve an exception to policy to enroll Soldiers into the BRS and was directed to submit an application to the Board
- he believes he was incorrectly omitted from the BRS enrollment in 2020 and was withheld from the allotted 1 percent and subsequent 5 percent match

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

- On 22 February 2016 he was appointed as a Reserve commissioned officer of the Army for an indefinite term; he subsequently executed an Oath of Office on 5 May 2016
- Orders Number 0320-66-SG6-7 dated 6 March 2020 appointed him in the Regular Army Dental Corps in the rank of captain
- Orders Number A-03-000181 dated 6 March 2020 ordered him to active duty to attend the Basic Officer Leader Course enroute to his permanent duty station, with a report date of 13 June 2020; he subsequently executed an Oath of Office in the Regular Army Dental Corps the same day
- His Officer Record Brief shows his Basic Active Service Date as 13 June 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 8 July 2020, the date he completed the BRS Opt-In training course. The applicant was not adequately notified of eligibility and opportunity to enroll in the BRS while enrolled in the Health Professional Scholarship Program.

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

5. On 13 May 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He provided a response on 14 May 2025 and states he would like to proceed with the enrollment into the BRS with a retroactive date of 8 July 2020. He also inquired on how to pursue back pay for the Thrift Savings Plan (TSP) match.

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 warranting a change to the applicant's record to show enrollment in the BRS, effective 8 July 2020.

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 record to show the applicant made a timely submission to enroll in BRS, it was accepted by the appropriate agency and the enrollment became effective 8 July 2020.

//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//