

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2025

DOCKET NUMBER: AR20240009045

APPLICANT REQUESTS:

- Exception to Policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after his 12th year of service
- A personal appearance before the Board vi video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- BRS CP Request Form, 25 February 2025:
 - Signed by the applicant
 - Not signed by the certifying official or the approving authority
 - Missing the BRS CP Policy Guidance and additional obligated service information
- Certificate of Completion dated 26 February 2025 which shows the applicant completed the Entitlement to CP Financial Readiness Training Milestone
- BRS CP Request form dated 27 February 2025 shows:
 - He agreed to accept BRS CP in accordance with the Calendar Year 2023 guidance
 - He agreed to an additional 4-years of additional obligated service with a lump sum payment
 - Signed by the applicant on 27 February 2025
 - Signed by the certifying official on 26 February 2025
 - Signed by the approving authority on 27 February 2025
- BRS CP Request form dated 28 February 2025 incomplete
- DA Form 4187 (Personnel Action Request) requesting BRS CP approved by the applicant's commander
- Leave and Earnings Statement for the period of 1 through 28 February 2025 shows the applicant was enrolled in the BRS

FACTS:

1. The applicant states in effect,
 - He recently became aware BRS CP was being offered to service members enrolled in the BRS
 - He requests an ETP to receive BRS CP outside his 12th year of service
2. A review of the applicant's service record shows:
 - On 16 August 2011, the applicant enlisted in the Regular Army and has continuous service through reenlistments
 - Enlisted Record Brief shows the applicant Pay Entry Basic Date (PEBD) as 16 August 2011
 - On 16 August 2019, the applicant obtained 8-years of service based on his PEBD
 - On 1 August 2020, the applicant was promoted the to rank/grade of staff sergeant/E-6
 - On 16 August 2023, the applicant obtained 12-years of service base on his PEBD
3. On 27 February 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for an ETP to receive BRS CP outside his 12th year of service. The advisory official stated his request could not be supported due to a missing/incomplete BRS CP request form. If the application was completed properly the claim could be reconsidered.
4. On 25 March 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an updated advisory opinion regarding the applicant's request for an ETP to receive BRS CP. The advisory official recommended approval of his request. The applicant requested BRS CP on 27 February 2025; however, the entitlement date should be based on the end point for the 12-years of service on 16 August 2023. The BRS CP should be based on the established end point as calculated from the pay entry base date. If the Board grants administrative relief, the payment should be based on E-6 pay grade with 12-years of service for pay purposes from 2023 pay scale in the amount of \$11,049.75 less Federal and State taxes. In block 6 (Control Number) should be entered as CP2502001.
5. On 3 March 2025, the Army Review Boards Agency (ARBA), Case Management Division, provided the applicant the advisory opinion for review and comment.
6. On 26 March 2025, the ARBA, Case Management Division, provided the applicant the updated advisory opinion for review and comment.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the Headquarters, Department of the Army G-1 advisory opinion, the Board concurred with the advisory official finding the applicant was eligible to receive CP BRS from 16 August 2023 to 16 August 2027.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 that the evidence presented was 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 was in receipt of a completed continuation pay (CP) request prior to the completion of 12 years of service as computed from the PEBD
- DFAS paying his entitlement to CP utilizing the Military Pay Account and not the ABCMR funds payable through Debts and Claims

4/16/2025

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. 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.

c. 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 (AR) 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.

5. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 2 March 2023, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective 1 January 2023 and expired on 31 December 2023 and it applied to Regular Army (RA), Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve Soldiers who were covered under the BRS. For eligibility for RA Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 12-years of service during the CY23 as computed from the Soldier's PEBD
- eligible to enter into an agreement to 4-year service the obligation period
- member of the Selected Reserve or otherwise a member of the Ready Reserve and eligible to receive basic pay or inactive duty pay; and
- eligible to enter into an agreement to 4-year service the obligation period

6. All Army Activities Message 016/2019 refers to an official military communication that provides guidance on an "Extension to Implementation Guidance for ETP" which allows for the retroactive enrollment of certain eligible Soldiers into the Blended Retirement System (BRS) and also outlines a hardship extension for the enrollment period for specific cases; essentially giving Soldiers who might have missed the original BRS enrollment window a chance to join under specific circumstances.

7. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//