

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 June 2025

DOCKET NUMBER: AR20240010457

APPLICANT REQUESTS:

- Exception to policy (ETP) for retroactive enrollment in the Blended Retirement System (BRS)
- If approve, back compensation for the agency matching Thrift Savings Plan (TSP) contributions
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- TSP Fact Sheet which explains TSP contributions including matching contribution up to 3 percent of basic pay; dollar for dollar and after than up to 5 percent of your pay matching is 50 cents per dollar
- Uniformed Services BRS training slides states new accession on or after 1 January 2018 are automatically enrolled in BRS
- Army Alerting and Reporting Activity 050-2019, Subject: Implementation Guidance for ETP to Retroactively Enroll Certain Eligible Soldiers in the BRS and Hardship Extension of the Enrollment Period states the message provides additional administrative procedures applicable to Health Professional Service Provider (HPSP) Students
- Joint Knowledge Online training certificate shows the applicant successfully completed the BRS Opt-in Course on 24 July 2022
- DA Form 4187 (Personnel Action) shows on 7 February 2024, the applicant requested enrollment in BRS due to being a HPSP student which was approved by the first colonel in the chain of command
- Office of the Deputy Chief of Staff G1 Memorandum, 11 March 2024, Subject: Request for ETP to the BRS Opt-in Window stated the applicant's request was approved with BRS retroactive enrollment dated of 1 June 2021
- Case Management System Defense Finance and Accounting Service (DFAS) shows on 26 April 2024, the applicant requested the processing of retroactive TSP contributions effective 1 June 2021

- Uniformed Services BRS Frequently Asked Questions, highlighted stated new service members who join the Uniformed Services on or after 1 January 2018 will be automatically enrolled in BRS
- Officer Record Brief
- Soldier Talent Profile shows the applicant's Basic Active Service Date (BASD) is 1 June 2021

### 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:

- When he filed a Case Management System inquiry to obtain his retroactive agency matching contribution once approved for retroactive BRS
- DFAS disenrolled him from BRS and recouped the agency match and gain contributions though he had been investing since 2021 under BRS
- Since he entered active duty after 1 January 2018, he should have been automatically enrolled in BRS
- He has been contributing 5 percent in TSP since he entered active duty in 2021 and should receive the agency matching contributions for the same period
- The Department of the Army G1 approved ETP had been deemed invalid due to the lack of authority to approve

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

- On 13 September 2017, he executed his oath of office and appointed a Reserve commissioned officer
- On 13 September 2017, he was appointed in the U. S. Army Reserve (USAR) and assigned to the USAR Control Group Officer (Officer Active Duty Obligors) by Orders Number C-10-712728, 4 October 2018
- The applicant was appointed in the Regular Army (RA) Medical Corps in the rank of captain by Orders Number 0421-116-SG26-32, 26 April 2021
- On 1 June 2021, the applicant was ordered to active duty to accept a RA appointment by Orders Number A-04-100434, 26 April 2021
- On 1 June 2021, the applicant executed his oath of office and was appointed a RA Medical Corps officer
- Officer Record Brief shows his:
  - Pay Entry Base Date (PEBD) is 1 June 2021
  - BASD is 1 June 2021

- Soldier Management Services - WEB Portal (SMS WEB) shows his:
  - PEBD is 1 June 2021
  - BASD is 1 June 2021

4. On 2 June 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 retroactive enrollment in BRS and TSP contributions. The advisory official stated in the interest of fairness and equity, the applicant should be provided the opportunity to enroll in BRS effective 1 July 2021, the first day of the next month after entry on active duty of 1 June 2021. He completed BRS Opt-in training on 24 July 2022; however, due to erroneous enrollment and incorrect information provided, the BRS Opt-in training was not completed prior to the recommended enrollment date. A review of his personnel records maintained at U. S. Army Human Resources Command, it indicates the applicant did opt-in to BRS per initial ETP for BRS enrollment effective 15 August 2024; however, he did not receive retroactive agency automatic and matching contributions at that time. DFAS has created a Case Management system inquiry to further review his BRS enrollment date and status of matching funds.

5. On 4 June 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. He did not respond.

#### 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, the G1 advisory opinion, and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the Office of the Deputy Chief of Staff G1 advisory opinion, the Board concurred with the advisory official finding the applicant should be provided the opportunity to enroll in BRS effective 1 July 2021.

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 enrolled in the BRS, effective 1 July 2021.

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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, U.S. Code, 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. Deputy Secretary of Defense memorandum dated 27 January 2017, implements guidance for the BRS for Uniformed Services, which was authorized in sections 631 through 635 of Public Law 114-92 of the National Defense Authorization Act (NDAA) of Fiscal Year (FY) 2016 as modified by sections 631 through 633 of Public Law 111-328, of the NDAA FY 2017. This policy supplements existing issuances and regulations pertaining to military retirement and annuity programs to provide guidance specifically for the BRS. The policy will be incorporated into all applicable issuance and regulations to ensure an effective and efficient transition to this new retirement system when the BRS becomes effective 1 January 2018.

3. All Army Activities Message Number 050/2019 (Implementation Guidance for Exception to Policy to Retroactively Enroll Certain Eligible Soldiers in the Blended Retirement System and Hardship Extension of the Enrollment Period) provides additional administrative procedures necessary for certain Soldiers to request an exception to policy to allow for retroactive enrollment in the BRS for specific reasons. It also provides procedural guidance for automatic and hardship extensions of the enrollment period. Coordinate with DFAS to ensure the proper retroactive government automatic and matching Thrift Savings plan (TSP) contributions are credited to the member's TSP Account. Coordinate retroactive matching tsp with DFAS ensuring contributions will only be made in accordance with the individual contribution previously made that should otherwise have been matched had the member been correctly enrolled in the BRS. These extensions do not create the authority to enroll a Soldier who had the opportunity to elect to enroll in the BRS during Calendar Year 2018 but who chose not to do so, nor does it allow for retroactive TSP contributions. Soldier LES will reflect "blended". Reasons for submission of ETP where the DCS, G1 or Deputy DCS, G1 of a general officer level headquarters within a Soldier's chain of command has the approval authority.

- Deployment for 30-days or more that is inclusive of 31 December 2018, which prevented the Soldier from having access to all resources available to make financial or retirement decisions
- Court proceedings or court orders that prevented a Soldier from making financial or retirement decisions during the enrollment period
- Illness or injury that substantially impacted a Soldier's ability to make financial or

- retirement decisions during the enrollment period
- Inability to complete the mandatory "opt-in" training due to circumstances beyond the control of the Soldier
- Inability to access the MyPay website or follow the designated procedures for making the election during the enrollment period due to circumstances beyond the reasonable control of the Soldier

Reasons for submission of ETP where director, plans and resources, DCS, G1 has the approval authority.

- Failure to notify a Soldier of their eligibility to elect to opt into the BRS at least 60-days prior to the conclusion of the enrollment period
- Other extraordinary or exceptional circumstances
- Missing or inaccurate date of initial entry into military service (diems) information that was incorrectly applied upon entry to active duty or into an active status, and it resulted in a Soldier being automatically enrolled in BRS under the policies governing enrollment for new accessions
- Failure of the Army to correctly identify a BRS eligible Soldier to the Defense Finance and Accounting Services
- Failure of the Army to adequately notify a Soldier of their eligibility and opportunity to enroll in BRS

4. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. Paragraph 2-9 contains guidance on the burden of proof. It states the ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. ABCMR members will review all applications that are properly before them to determine the existence of an error or injustice; direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists on the record. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice require.

//NOTHING FOLLOWS//