

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2025

DOCKET NUMBER: AR20240011460

APPLICANT REQUESTS: retroactive payment of Continuation Pay (CP) Blended Retirement System (BRS).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 5 December 2022 to be addressed in the service record below
- Request for CP (BRS), showing he requested BRS CP at 2.5x his monthly basic pay to be paid in a lump sum in return for four years of additional service obligation with approval authority and certifying official signature completed on 5 December 2022
- National Guard Bureau (NGB) Form 23A (Army National Guard (ARNG) Annual Statement), 10 March 2023, showing his years of service in the National Guard and Regular Army with entry date of 5 January 2011, at the time he completed 12 years of service
- Email correspondence showing communications with the IAARNG unit Incentives Manager sergeant first class (SFC) B-L- regarding non-payment of his BRS CP
- IAARNG Memorandum, Subject: [Applicant] BRS CP, 31 March 2024, wherein SFC B-L- confirms, in pertinent part, that the applicant's BRS CP form should have been submitted with his extension of enlistment but was not, due to no fault of his own

FACTS:

1. The applicant states, in part:

- He extended his enlistment with the IAARNG Recruiting and Retention Battalion on 5 December 2022 to receive the BRS CP
- The DA Form 4836 was successfully processed, but the BRS CP form was not
- On 10 March 2023, he completed 12 years of service and was no longer eligible to receive the BRS CP
- He discovered the error when a leadership change brought new personnel in and they discovered that the form was never filled out and submitted for processing

- He requests retroactive enrollment for payment he is owed

2. A review of the applicant's available service record reflects the following:

- On 5 January 2011, he enlisted in the IAARNG
- NGB Form 22 (Report of Separation and Record of Service), dated 5 June 2017 reflects an honorable discharge from the IAARNG for enlistment in another component of the U.S. Armed Forces for a net service of 6 years, 2 months, and 26 days
- On 6 June 2017, he enlisted in the Regular Army
- Orders Number 164-1315 dated 12 June 2020 was issued amending Orders Number 083-1335 to show discharge from active duty and assignment to the Detachment 1, A Company, 224th Brigade Engineer Battalion with the ARNG; his record is void of Orders Number 083-1335
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 31 July 2020 reflects an honorable release from active duty with transfer to the Detachment 1, A Company, 224th Brigade Engineer Battalion; item 12 (Record of Service) shows service from 6 June 2017 to 31 July 2020 for a net active service of 3 years, 1 month, and 25 days
- DA Form 4836, dated 5 December 2022 shows he extended his enlistment with the IAARNG for a period of 4 years
- He continues service with the IAARNG

3. On 28 April 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request stating, in part:

a. The applicant claims he was not paid the BRS-CP because he was not made aware of the BRS-CP because his paperwork was not processed and was not made aware of this situation until a new personnel service non-commissioned officer came and made him aware of the administrative error.

b. The BRS went into effect on 1 January 2018. It affected all new service members who joined the service after 1 January 2018. All other members who were serving as of 31 December 2017 were grandfathered under the Army legacy system. The objective of BRS-CP is to offer mid-career service members a financial incentive to remain in their service in exchange for committing to at least four more years. Time of service is calculated from the service member's Pay Entry Base Date (PEBD). The current law does not allow for the acceptance of a CP contract beyond the 12th year of service for active-duty Soldiers, or any member of the Reserve Component of a Uniformed Service who has accumulated higher than 4320 retirement points.

c. Each state Retirement Service Officer verifies and certifies eligibility for BRS-CP.

The applicant opted into BRS on 5 January 2018 according to Headquarters Department of the Army (HQDA). His PEBD is 5 January 2011 and therefore was eligible to apply for BRS-CP between 5 January 2022 and 4 January 2023. Through no fault of his he did not receive notification of his eligibility to apply until the suspense had already passed.

d. BRS-CP is an entitlement from the Department of the Army and is restricted to the criterion of Title 37, United States Code, Section 356, therefore the NGB is unable to approve an exception to policy without adjudication by the ABCMR. This office recommends approval of the applicant's request for payment of BRS-CP due to eligibility and circumstances beyond his control which prevented payment.

e. The opinion was coordinated with the assistance of the HQDA, G9, Financial Education Program Manager and the IAARNG.

4. On 30 April 2025, the applicant was provided a copy of the advisory opinion and afforded the ability to respond. He replied, concurring with the advisory.

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 facts and recommendation outlined in the NGB advisory, the Board concluded there was sufficient evidence of an error or injustice warranting a change to show the applicant made a timely submission to receive payment of Continuation Pay (CP) Blended Retirement System (BRS).

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
: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 to receive payment of Continuation Pay (CP) Blended Retirement System (BRS) and it was received and processed by the appropriate agency to pay the applicant BRS Continuation Pay.

//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 37 United States Code, 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 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.

2. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full 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.

3. Deputy Secretary of Defense Memorandum dated 27 January 2017, 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//