

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240011511

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

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

- DD Form 149 (Application for Correction of Military Record)
- Joint Knowledge Online training certificate shows the applicant successfully completed the BRS Opt-in Course on 6 November 2017
- DA Form 4187 (Personnel Action) shows on 27 July 2024, the applicant requested retroactive enrollment in BRS, which was recommended for approval through her battalion chain of command

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:

- She requests an ETP for a backdated enrollment in BRS
- She should have been automatically enrolled in BRS
- Her Leave and Earnings Statement shows her retirement plan is Choice vice BRS
- Her Basic Active Service Date (BASD) is 24 February 2015
- She completed the mandatory counseling on Financial Literacy regarding BRS enrollment on 6 November 2017
- Her finance office instructed her to contact the Deputy Chief of Staff G1 which directed her to the Army Review Boards Agency

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

- On 24 February 2015, she enlisted in the Regular Army (RA)

- She had continuous service through reenlistments and one extension
- She continues to service in the RA
- Enlisted Record Brief shows her:
 - BASD: 24 February 2015
 - Pay Entry Base Date (PEBD): 24 February 2015
- Soldier Management Services - WEB Portal shows her:
 - BASD: 24 February 2015
 - PEBD: 24 February 2015

4. On 16 June 2025, in the processing of this case, the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for an ETP for retroactive enrollment in the BRS. The advisory official stated after careful review, her request could not be supported. The U.S. Army Human Resources Command confirmed the applicant was on the MyPay eligibility list during the open enrollment period of 1 January through 31 December 2018. The opt-in expired; therefore, she is no longer eligible to opt-in. The applicant is to remain in the High 3 (Legacy) retirement system.

5. On 18 June 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. She did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the majority of 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. One potential outcome discussed was to deny relief based upon the facts outlined in the G1 advisory opinion, as well as there not being a rebuttal of those facts submitted by the applicant. However, upon review of the applicant's petition, and available military records, the majority of the Board did not concur with the advisory official. The Board concluded due to the program's complexity and the difficulty in understanding the process, the Board determined there was an injustice present warranting relief.

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 submitted a timely enrollment into the BRS on the date she first became eligible.

█

█

█

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 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

//NOTHING FOLLOWS//