

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2025

DOCKET NUMBER: AR20240012817

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid the Blended Retirement System Continuation Pay (BRS CP) after his 12th year of service based on his Pay Entry Base Date (PEBD).

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

- DD Form 149 (Application for Correction of Military Record)
- Assistant Secretary of the Army Manpower and Reserve Affairs, Memorandum, 18 December 2019, Subject: BRS CP – Calendar Year 2020 (CY20) states for an Army National Guard (ARNG) Soldier:
 - Covered under the BRS and has not previously received BRS CP
 - Must have a PEBD between 1 January 2008 through 31 December 2008
 - Will complete 12 years of service during the CY20 as calculated from the Soldier's PEBD
 - Member of the Selected Reserve in a status which is eligible to receive basic pay or inactive duty pay
 - Proof of BRS enrollment status
 - Request BRS CP contract
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 13 November 2020 shows the applicant reenlisted for 6 years for a new expiration of term of service of 5 October 2027
- Leave and Earnings Statement (LES) for the period of 1 through 31 May 2025, the Retirement Plan box is blank

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:

- In 2020, he was on his first deployment and reenlisted while a military Federal technician
- He has been enrolled in the BRS for a majority of his military career
- He was never informed about the BRS CP available to Soldiers
- He met the criteria in years 2019, 2020, and 2021
- When he was made aware of BRS CP he was no longer in the eligibility window, due to leadership negligence
- BRS is a system that is not known to many in the ARNG or maybe even in the whole military

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

- On 6 October 2009, he enlisted in the ARNG and had continuous service through extensions or reenlistments
- His Enlisted Record Brief shows his PEBD as 6 October 2009
- On 6 October 2021, he obtained his 12th year of service
- On 1 June 2022, he was ordered to full time National Guard duty in Active Guard Reserve (AGR) status by Orders Number 143-069, 23 May 2022 and still serves in AGR status
- His record is void of a BRS CP contract

4. On 27 June 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for an ETP to be paid BRS CP outside his 12 years of service. The advisory official recommended approval of his request. The applicant's LES indicated he is enrolled in the BRS. His Date Initially Entered Military Service is 6 October 2009. On 5 October 2021, he would have completed 12 years of service. He met the eligibility criteria in calendar year 2022. Relief should be granted to the applicant as he was uninformed about BRS CP around the time of his eligibility and at the time of his reenlistment.

5. On 3 July 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:

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 National Guard Bureau, Chief, Special Actions Branch advisory opinion, the Board concurred

with the advisory official finding the applicant was eligible to receive CP BRS and determined that relief was warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 and Army National Guard 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

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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. 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.

3. 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.

4. 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.

5. 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//