



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03680

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Compensation pay for missed Aviation Bonus (AvB) incentives, totaling \$25,833.33.

APPLICANT'S CONTENTIONS

The FY22 AvB Tier 1 policy limiting \$35,000 AvB incentives, for 3 – 4 years, for “AGR/Statutory Tour only” while the Tier 3 policy, offering \$15,000 AvB incentive for 1 – 2 years, for “All rated officers – DSG,” is an injustice. This was rectified by the subsequent FY23 AvB Tier 1 policy that was opened to all “AGR/Stat Tour/Occasional Tour” (with a The Adjutant General (TAG) release clause).

On 17 Feb 22, he started an Active Duty Operational Support (ADOS) tour at the Air National Guard Bureau (ANGB) and had a The Adjutant General (TAG) release from his State's TAG along with a statement of understanding granting him Active Guard Reserve (AGR) restoration rights. On 14 Oct 22, he met with [Work-Pr...] (NGB/AIP), who assured him that an Exception to Policy (ETP) was being submitted and convinced him to apply for the FY22 Tier 3 AvB, instead of the Tier 1 AvB, with an effective date of 27 Apr 22 while waiting for the ETP to be approved. However, the ETP was “dropped” with insufficient reasoning prior to being routed to the decisional authority, which he was not made aware of until 18 Jan 23 when the reversal by NGB/AIP forced his position to be re-aligned with a statutory tour, for which he was selected. He then encountered another unexpected financial hardship as during his permanent change of station (PCS) move to ANGB a policy internally changed placing the burden of his household goods storage on him. Unable to reconcile the situation, and frustrated, he relinquished his statutory tour and returned to his State and was placed on AGR orders as of 1 Jul 23. At that time he was able to apply for a FY23 AvB Tier 1 contract. He seeks compensation for the loss of 14 months of the intended FY22 Tier 1 AvB contract, \$35,000 per year, for the period of 27 Apr 22 through 1 Jul 23.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard (ANG) major (O-4).

On 1 Feb 22, according to Order Number [Work-Product] dated 8 Aug 22, provided by applicant, he was placed on Active Duty – Active Duty for Operational Support in accordance with 10 USC 12301(d) for the period of 1 Feb 22 – 30 Sep 23.

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On 14 Oct 22, according to *Fiscal Year 2022 Aviation Bonus (AvB) Agreement (Statement Of Understanding)*, provided by applicant, he signed and acknowledged his selection of a Tier 3 AvB agreement for \$15,000 per year for one to two years. The effective start and end date of the agreement is from 27 Apr 22 to 26 Apr 23.

On 18 Jan 23, according to email, *RE: FY22 AVB ETP for ADOS FAM (KC-46/C-40)*, provided by applicant, he was informed by [Work-Prod...] Chief Force Management Division (NGB/A1P), of the decision not to submit an ETP.

On 1 Jul 23, according to Order Number [Work-Product] issued by the New Hampshire ANG, dated 14 Jun 23, provided by applicant, he was issued orders for Full-time National Guard Duty – Active Guard Reserve – Initial Tour, in accordance with 32 U.S.C. § 502(f)(1) and 32 USC 328, for the period of 1 Jul 23 through 30 Jun 26. On that same date, according to *Fiscal Year 2023 Aviation Bonus (AvB) Agreement (Statement Of Understanding)*, provided by applicant, he signed and acknowledged his selection of a Tier 1a Option 1 AvB agreement for \$50,000 per year (3 to 6 years).

For more information, see the applicant's record at Exhibit A and the advisory at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

Department of Defense Instruction (DoDI) 7730.67, *Aviation Incentive Pays and Bonus Program*, 20 Oct 16, paragraph 3.5. *AvB Eligibility And Payment, d. Payment Methods and Amounts*, (2) The AvB amount covered by the written agreement between the Regular or Reserve Component officer and the Secretary of the Military Department concerned for any 12-month period of obligated service specified in Section 334(c) of Title 37, U.S.C., will not exceed the following, unless otherwise updated by the ASD (M&RA) in accordance with Paragraph 2.1.b.: (a) \$25,000 per year for Regular Component officers or Reserve Component Active Guard and Reserve officers performing qualified flying duty.

Glossary. G.2. Definitions. exception to policy. Any deviation from the authority granted in this issuance, but authorized within law, would require an exception to policy from the ASD(M&RA).

Air National Guard (ANG) Fiscal Year (FY) 2022 Aviation Bonus (AvB) Implementation Policy, dated 27 Feb 22. *Overview*. This AvB program is in accordance with Title 37, United States Code (U.S.C.) Section 334, Department of Defense Instruction (DoDI) 7730.67, *Aviator Incentive Pays and Bonus Program*, and AFMAN 36-3004, *Aviation Bonus (AvB) Program*. The AvB program is an ANG recruiting and retention tool used to encourage rated officers to serve in active aviation service in the ANG. *AvB is a fiscal year program, with guidance revised annually*. AvB is not an entitlement and may be discontinued or amended at any time based on the needs of the ANG and Congressional funding.

ANG FY23 AvB Implementation Policy. 1.1. *Overview*. The 2023 ANG Aviation Bonus (AvB) is designed to provide an incentive to rated aviators for their continued service to the ANG in a full-time capacity. AvB is a force management retention tool; eligibility does not guarantee entry into the AvB program. This policy establishes the ANG implementation of the authorities outlined in Title 37, United States Code Section 334, and is in accordance with Department of Defense Instruction (DODI) 7730.67, *Aviation Incentive Pays and Bonus Program* and Air Force Manual (AFMAN) 36-3004, *Aviation Bonus Program*. AvB is not an entitlement and may be discontinued at any time based on the needs of the ANG and Congressional funding.

AIR FORCE EVALUATION

NGB/A1P recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. Despite an ETP not being submitted to the Office of the Secretary of Defense, it is unlikely that the ETP would have been approved as the ETP did not have the support of the Director of the Air National Guard.

In accordance with DoDI 7730.67 paragraph 3.5.d(2)(a) and ASD memorandum to DoDI 7730.67, dated 26 Apr 17, to be eligible for \$35,000 per year AvB, a service member must be a Reserve Component Active Guard Reserve (AGR) Officer. On 31 Jan 22, the applicant ended his AGR tour and on 1 Feb 22 began an ADOS tour. Although the applicant was told he had support from his leadership to submit an ETP requesting support of entering a Tier 1 agreement while on ADOS orders, he was later informed that NGB would not be pursuing an ETP on his behalf. The applicant then signed a Tier 3 agreement for a period of one year, from 27 Apr 22 to 26 Apr 23, at the annual rate of \$15,000

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 20 Feb 25 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1P and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the AvB program is an ANG recruiting and retention tool used to encourage rated officers to serve in active aviation service in the ANG and that AvB is a fiscal year program, with guidance revised annually. The Board determines that AvB is not an entitlement and may be discontinued or amended at any time based on the needs of the ANG and Congressional funding. Thus, the Board finds in accordance with the FY22 ANG AvB Implementation Policy, the applicant was not eligible for a Tier 1 AvB agreement. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-03680 in Executive Session on 18 Jul 25:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Oct 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1P, dated 14 Feb 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Feb 25.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/30/2025

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Board Operations Manager, AFBCMR
Signed by: USAF