



**CUI//SP-MIL/SP-PRVCY**

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2022-00119

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

His Aviation Bonus (AvB) Agreement, be corrected with effective start and end dates of 17 Feb 18 to 17 Feb 22.

**APPLICANT'S CONTENTIONS**

After he completed pilot training, he was awarded the Air Force Specialty Code (AFSC) 11U, *Remotely Piloted Aircraft (RPA) Pilot* on 17 Feb 12. In Sep 20 when applying for the 2020 AvB Bonus, he discovered he was in fact eligible for the bonus in 2018, because as an RPA pilot he became eligible six years after he graduated pilot training. As such, since he completed pilot training in 2012, he should have been notified and would have accepted the bonus as early as 17 Feb 18. When he asked the AvB coordinator about the previous two years that he was eligible for, she refused to address the situation and only allowed him to sign a contract for the current FY20 AvB program. According to the Air National Guard (ANG) FY20 AvB Implementation Policy the AvB coordinator must notify eligible pilots of bonus eligibility and if a member decides not to take the bonus, then they are required to sign a document specifically declining the bonus. However, this never happened and as a result he lost the bonus pay for these two years at no fault of his own. Furthermore, this was confirmed by a Commander's Directed Investigation (CDI), which found the AvB coordinator did not provide him with proper notification of AvB program eligibility.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a currently serving ANG captain (O-3).

The applicant's report on individual personnel (RIP) shows his Core ID is 11U (Remotely Piloted Aircraft (RPA) Pilot).

On 17 Feb 12, the applicant's RIP shows his Effective Duty Date (EDD) with a Duty Air Force Specialty Code (DAFSC) of 11U3A, *RPA Pilot*.

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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

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According to the information provided by the applicant:

Per Order Number **Work-Product** dated 29 Oct 14, the applicant was on Full-time Duty in accordance with 32 USC 328 and 502 (F) for the period of 16 Jan 15 to 15 Jan 19.

Per Order Number **Work-Product** dated 7 Dec 18, the applicant was on Full-time Duty in accordance with 32 USC 328 and 502 (F) for the period of 16 Jan 19 to 17 Feb 22.

Per Order Number **Work-Product** dated 18 Jan 22, the applicant was on Full-time Duty in accordance with 32 USC 502 (f) (1) and 32 USC 328 for the period of 18 Feb 22 to 30 Sep 22.

According to the FY20 AvB Agreement Statement of Understanding dated 11 Sep 20, the applicant requested an AvB contract with an annual amount of \$35,000 for two to four years for Active Guard Reserve (AGR)/statutory tour as an RPA (11U) for the period 11 Sep 20 to 11 Sep 24.

On 17 Jan 22, an IG Referral Completion Report signed by the applicant's Force Support Squadron Commander, indicates that the applicant was not provided proper notification of the AvB program eligibility, which resulted in a loss of eligible bonus pay for 2018 and 2019. The report further indicated that NGB/A1PF advised that the applicant "would have to submit a BCMR in order to receive any payments for periods which he was not in an active AvB agreement. For the members best chances of getting a desirable BCMR results there would need to be sufficient evidence to support the assertion that it was merited."

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

**APPLICABLE AUTHORITY**

Air National Guard (ANG) Fiscal Year (FY) 2018 Aviation Bonus (AvB) Implementation Policy  
Eligibility

2.1.4. Officer Service Commitment. Have completed the Officer Service Commitment IAW ANGI 36-2101, Assignments Within the Air National Guard, Table 5.2. Rules 1-5. For example, pilots must have completed at least 10 years of rated service following their Undergraduate Flying Training (UFT) graduation date. Combat Systems Officer (CSO) and Air Battle Managers (ABM) must have completed 6 years of rated service following UFT. Remotely Piloted Aircraft (RPA) 18A must have completed 6 years of rated service following Undergraduate Remotely Piloted (URT).

2.1.6. AGR and Statutory Tour Orders (Verified by Tech ID). Be assigned to an ANG Title 32 Full-Time Active Guard Reserve (AGR) or Title 10 Statutory Tour (Stat Tour) position, regardless of Aircrew Position Identifier (API) code.

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Responsibilities

3.6. The AvB Coordinator.

3.6.2. Determine which members meet eligibility requirements IAW para 2.1 and recommend eligibility to commanders utilizing the eligibility roster attachment (Atch) 3.

Payment, Discontinuation of Payment and Recoupment

3.6.4. Notify each eligible member 30 days prior to date of eligibility.

4.3.1. Tier 1 RPA (11U/12U/18X), Pilot (11X) and CSO (12M)

4.3.1.1. Tier 1 – Option 1: \$35,000 for 4 years to 6 years

4.3.1.2. Tier 1 – Option 2: \$25,000 for 2 years to 6 years

Air National Guard (ANG) Fiscal Year (FY) 2020 Aviation Bonus (AvB) Implementation Policy

2.1.4. Officer Service Commitment. Have completed the Officer Service Commitment IAW Table 1 below. For example, pilots must have completed ten (10) years of rated service following their Undergraduate Pilot Training (UPT) graduation date. Combat Systems Officer (CSO) must have completed six (6) years of rated service following their Undergraduate Combat Systems Officer Training (UCSOT) and Air Battle Managers (ABM) must have completed six (6) years of rated service following their Undergraduate Air Battle Manager Training (UABMT). Remotely Piloted Aircraft (RPA) pilots must have completed six (6) years of rated service following URT. Members who Palace Chase must have ten (10) years of rated service for pilots and six (6) years for CSOs, ABMs and RPA pilots. Inter-service transfers must have completed the service obligation prescribed by the Military Service in which their UFT was completed.

**AIR FORCE EVALUATION**

NGB/A1P recommends denying the application. In 2018 the AvB coordinator contacted NGB/A1P regarding the applicant's eligibility for the FY18 AvB. It was noted that the service commitment for pilots was ten years after graduation from Undergraduate Pilot Training (UPT). Based on this information the applicant was determined ineligible to enter into a FY18 AvB agreement and never submitted the required documentation as proof of eligibility for a FY18 AvB agreement. In 2020 the AvB coordinator submitted a request for a FY20 AvB for the applicant with a letter from the wing commander noting that the applicant had been sent to flight training for the sole purpose of becoming an RPA pilot. This training and position required a six-year service commitment after graduation to be eligible to enter into an AvB agreement (instead of the assumed 10 years), therefore the applicant was approved for a FY20 AvB agreement, and has since been serving under the terms of the FY20 AvB agreement.

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The applicant's FY18 AvB application was never denied by NGB/A1PF via CMS, which is part of the official form of application. If it had been denied the AvB coordinator would have then been able to complete the administrative requirements of a denied request by submitting that request to the Board for Corrections of Military Records. Furthermore, the applicant did not demonstrate due diligence in the fact that it took two years to provide sufficient justification that the service commitment had been served, thus making him eligible.

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 24 Mar 22 for comment (Exhibit D), and the applicant replied on 31 Mar 22. In his response, the applicant contended he was never briefed in 2018 regarding eligibility, nor that he was on an eligibility roster. He does not have record, nor recollection of such an event as he was under the impression that he had a 10-year service commitment for the AvB. It was only by happenstance that in Sep 20 he found his peers at a different RPA unit who were in a similar timeline and circumstance to his (went direct to flying RPAs after completing UPT), but were afforded the opportunity to sign an AvB agreement six years after becoming certified as an RPA pilot. It was through this discovery that he realized he was over two years past the AvB eligibility date. As such, in late 2020 and early 2021, he exercised due diligence and made several attempts to communicate with the AvB coordinator about his potential to retroactively receive the FY18 AvB, but his questions went unanswered. He then researched the policies on his own, discovered he was never given proper notification and filed an IG complaint, which resulted in a CDI that found programmatic failures by the AvB coordinator based on negligence or naivety.

He strongly believes the Board should grant his request to enter the FY18 AvB agreement with a start date of 17 Feb 18 and provide all previously unpaid eligible payments.

The applicant's complete response is at Exhibit E.

**ADDITIONAL AIR FORCE EVALUATION**

NGB/A1P recommends granting the application. Although the applicant's FY18 AvB application was never denied by NGB/A1PF via CMS, which is part of the official form of application, NGB/A1P opines that the FY18 AvB policy does state that RPA pilots are eligible for the AvB after completing six years of rated service following Undergraduate Remotely Piloted Training (URT). Although there is no mention of the AFSC 11U time required after graduation as 11U was incorporated into the 11X category, given that the RPA pilots only required a six-year service commitment NGB supports the request as long as the applicant completed the six years of rated service to meet the FY18 AvB eligibility requirements.

The complete advisory opinion is at Exhibit F.

**APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 10 Oct 23 for comment (Exhibit G), 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 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 substantiates the applicant's contentions in part. Specifically, the Board finds that since the applicant was approved an FY20 AvB Agreement as an RPA pilot that only required six years of rated service, those same eligibility requirements would have also applied during the FY18 AvB program. The Board further notes that on 17 Feb 12 the applicant began his rated service as an RPA pilot and would have completed the six years of rated service on 16 Feb 18 and therefore would have been eligible for the FY18 AvB. Given that the applicant was never notified of his eligibility but met the requirements to receive the bonus in FY18, the Board finds sufficient evidence to provide relief. However, while the applicant requests a start date of 17 Feb 18, the Board notes that the application window for the FY18 AvB program did not begin until 13 Apr 18, which is the earliest date that the applicant could have entered into a contract. Furthermore, based on the approval of the FY18 AvB contract for a four-year period (i.e. 13 Apr 18 - 13 Apr 2022), the Board finds that his FY20 contract will have to be declared void due to the overlap in contract periods. In this regard, the applicant is not eligible to receive two AvB bonuses at the same time; however, to make the applicant whole, the applicant should also be provided the opportunity to enter into a backdated AvB Agreement starting at the expiration of his FY18 contract. Therefore, the Board recommends correcting the applicant's records as indicated below.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. On 13 April 2018, the applicant entered into a Tier 1 Fiscal Year 2018 Aviation Bonus (AvB) Agreement for four years at the annual rate of \$35,000.
- b. He receive all eligible payments associated with the contract minus those already received under the Fiscal Year 2020 AvB agreement.
- c. His Tier 1 Fiscal Year 2020 Aviation Bonus (AvB) Agreement with effective start and end date of 11 September 2020 to 11 September 2024 be declared void.


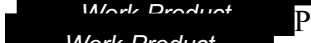
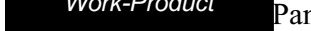
d. Upon completion of the Fiscal Year 18 Aviation Bonus (AvB) Agreement described in paragraph a, the applicant be provided the opportunity to enter into a backdated Aviation Bonus (AvB) Agreement for Fiscal Year 2022 or Fiscal Year 2023. Should the applicant apply and provided he meets all eligibility requirements, then a competent authority is authorized to approve the backdated agreement.

e. The applicant receive all backpay associated for the difference in the approved Aviation Bonus (AvB) Agreements and the payments that have already been received by the now voided Fiscal Year 2020 Aviation Bonus (AvB) Agreement.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-00119 in Executive Session on 17 May 22 and 7 Nov 23:

-  Panel Chair
-  Panel Member
-  Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 19 Jan 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1P, dated 1 Mar 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 Mar 22.
- Exhibit E: Applicant’s Response, w/atch, dated 31 Mar 22.
- Exhibit F: Advisory Opinion, NGB/A1P, dated 14 Sep 23.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Oct 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.



*Work-Product*