

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00133

XXXX X XXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Aviation Bonus (AvB) Agreement, be approved as Tier 2 Option 1 at \$25,000 per year for the date range of 9 Sep 20 through 10 Sep 22.

APPLICANT'S CONTENTIONS

His AvB Agreement was not initiated on time due to an oversight by the AvB coordinator. He is serving two years on continuous pay orders and has a signed and approved AvB Agreement, but was denied payment due to clerical errors which delayed the submission.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving lieutenant colonel (O-5) in the Air National Guard (ANG).

The applicant's report on individual personnel (RIP) shows he is a 12M3B, *Mobility Combat Systems Officer, C130E/H*.

According to the information, the applicant provided:

Per Order Number XXXX dated 23 Sep 21, the applicant was on Active Duty for Operational Support in accordance with 10 USC 12301(d) for the period of 9 Sep 20 to 30 Sep 22.

Per Fiscal Year (FY)21 AvB Agreement Statement of Understanding dated 1 Aug 21, shows he requested an AvB contract with an annual amount of \$25,000 for two to four years for the period 9 Sep 20 to 10 Sep 22.

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

AIR FORCE EVALUATION

NGB/A1P recommends granting the application. Due to an oversight by the AvB Coordinator the request for an agreement for the period of 9 Sep 20 through 8 Sep 22 was not submitted. A review of the applicable documents shows that the applicant did sign the agreement on 9 Sep 20, with endorsements by the AvB Coordinator and the wing commander. It was then incumbent on the AvB Coordinator to submit the agreement through Case Management System (CMS) within 30 days of signature, but this was not accomplished. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. NGB/A1P recommends that the request by the applicant be granted, and an agreement be authorized for the period of 9 Sep 20 through 8 Sep 22 in the annual amount of \$25,000 and previous payments due be paid.

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 22 Mar 22 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 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. 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 his Fiscal Year 21 Aviation Bonus (AvB) Agreement for 9 Sep 20 through 8 Sep 22 was approved at the annual rate of \$25,000 and any previously due payments be made upon correction of the Aviation Service Date noted on the agreement.

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-2022-00133 in Executive Session on 31 May 22:

, 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 20 Jan 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, NGB/A1P, dated 17 Mar 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 22 Mar 22.

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.

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Board Operations Manager, AFBCMR