

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01320

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement be approved.

APPLICANT'S CONTENTIONS

In Jun 21, while serving on a Military Appropriation (MPA) tour he contacted his AvB Coordinator to inquire about his eligibility for the FY21 program. They corresponded back and forth, and he thought it was taken care of; however, he was recently hired as an Air Guard Reserve and while inquiring about the FY22 program he learned the FY21 AvB Agreement fell off the coordinator's radar [sic] and was not submitted prior to the 31 Dec 21 suspense.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 25 Feb 22, according to FY21 AvB Agreement (Statement of Understanding) provided by the applicant, he signed and requested a Tier 3 AvB contract for \$15,000 a year for one to two years. The effective start and end date of the agreement is from 4 Mar 21 to 3 Mar 22.

On 5 Apr 22, according to a modification of Order Number Work-Product, provided by the applicant, he was issued amended Non-Contingency MPA orders in accordance with 10 U.S.C. § 12301(d) for the period 2 Jul 20 to 31 Mar 22.

On 30 Sep 22, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report, which confirms he was on continuous active-duty status for his Retention and Retirement years 1 Jun 19 through 31 May 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 denying the application. The applicant signed a one-year agreement on 25 Feb 22 for the period of 4 Mar 21 through 3 Mar 22 at the annual rate of \$15,000. However, there is no record of an agreement that was signed before the FY21 AvB policy effective end date of 31 Dec 21. In accordance with NGB policy it is the member's responsibility to notify the AvB coordinator in a timely manner of their decision to accept/decline an AvB agreement, and the AvB coordinator is responsible for ensuring the agreement is signed and submitted within the FY policy

deadlines. It was incumbent on the applicant to sign the AvB agreement before the expiration of the FY policy and the AvB coordinator to process and submit the agreement as required by the AvB policy.

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 23 Sep 22, for comment (Exhibit D), but has received no response.

The applicant's complete response is at Exhibit E.

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 that the applicant did not provide a copy of the FY 21 AvB agreement that was signed prior to the 31 Dec 21 deadline. Nor did he provide any support from his AvB coordinator or his leadership that indicates he was misguided on the process and the delay in submission was not the applicant's fault. 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.

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-2022-01320 in Executive Session on 20 Oct 22:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 11 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1P, dated 5 Aug 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 Sep 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.