

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01677

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Aviation Bonus (AvB) Service Agreement, dated 13 July 2021, be approved for the periods 2022 through 2024.

APPLICANT'S CONTENTIONS

He signed and entered a three-year AvB Service Agreement with the Air Force on 13 July 2021, which was during the acceptable window. Due to no fault of his own, the agreement was not submitted from his unit to the Case Management System (CMS) until 1 March 2022. The due date to NGB/A1 was listed as 31 December 2021. He volunteered to start a three-year occasional tour and put his civilian job on hold, with the understanding that he qualified for and would enter the AvB Service Agreement starting in 2021, with bonus payments occurring in 2022, 2023, and 2024. He based his decision to voluntary serve in an Active Guard/Reserve Status based on the verbal approval of entering into the AvB Service Agreement.

The applicant's commander submitted a letter indicating due to no fault of the applicant, his AvB Contract was not submitted to the CMS until 1 March 2022. NGB/A1PF denied his contract stating, "The initial closing date of FY21 AvB Program was 31 December 2021." The applicant agreed to go on occasional tour as an incentive to remain fulltime with the Air National Guard, with the understanding he would receive the AvB. The commander further indicates, the applicant is an outstanding officer and leader. He put his needs on hold to accommodate the needs of the service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard colonel (O-6).

According to the CMS Checklist – FY21 ANG AvB, dated 13 July 2021, the applicant's Order Start Date reflects 30 June 2021, and the Order End Date reflects 30 June 2024. The applicant selected "Tier 1, Option 1, and the AvB Amount reflects \$35,000. The AvB Start and End Date reflects 30 June 2021 to 30 July 2024. The AvB Coordinator certified the applicant had been briefed on the ANG AvB Program and the package was complete.

On 13 July 2021, according to Fiscal Year 2021 (FY21) AvB Agreement (Statement of Understanding), the applicant selected "Tier 1, Option 1 - \$35,000/year – Length: 2 years to 4 years." The effective start and end date of the agreement reflects 3 July 2021 to 13 July 2024. On 11 February 2022, the agreement was approved.

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. The applicant digitally signed a three-year agreement for the period of 30 June 2021 through 30 June 2024 at the annual rate of \$35,000. Due to an oversight on the part of the AvB Coordinator it was not submitted to NGB/A1PF via CMS until 1 March 2022, after the closing date of the FY21 AvB Program. It was incumbent on the coordinator to submit the agreement as requested by the applicant, which was not done.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. It is recommended that an agreement be initiated for the period of 30 June 2021 through 29 June 2024, a period of three years, at the amount of \$35,000 per annum.

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 1 September 2022 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 Aviation Bonus Service Agreement be initiated for the period of 30 June 2021 though 29 June 2024, for a period of three years.

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-2022-01677 in Executive Session on 8 November 2022:

- , 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 15 June 2022.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, NGB/A1P, dated 5 August 2022.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 1 September 2022.

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