

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

XXXXXXXXXXXXXX

**DOCKET NUMBER:** BC-2022-01809

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 27 Jul 21 to 26 Jul 22 be approved.

### APPLICANT'S CONTENTIONS

His AvB Coordinator neglected to submit his FY21 aviator bonus to NGB/A1PF within 30 days of him signing the agreement. He fulfilled his agreement on 26 Jul 22 and the delay in submission of the contract was not his fault.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air National Guard lieutenant colonel (O-5).

According to the documents provided by the applicant:

On 27 Jul 21, according to FY21 AvB Agreement (Statement of Understanding), 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 27 Jul 21 to 26 Jul 22.

On 30 Jun 21, according to Order Number **Work-Product**, he was issued Non-Contingency Military Appropriation (MPA) orders in accordance with 10 U.S.C. § 12301(d) for the period 16 Jul 21 to 30 Sep 21.

On 13 Jun 22, according to a modification of Order Number **Work-Product**, his orders were amended to change the period of his MPA tour to reflect 16 Jul 21 to 31 Jul 22.

On 30 Sep 22, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report, which confirms that he has been on a continuous active-duty status for his Retention and Retirement year 2 Jun 21 through 1 Jun 22 and has continued in that status through 15 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. The applicant is eligible for an AvB for the period of 27 Jul 21 through 26 Jul 22 at the annual rate of \$15,000 per year. The applicant digitally signed the FY 21 Tier 3 agreement on 27 Jul 22, but the AvB Coordinator failed to forward the request to the applicants wing commander until 13 Jun 22, thus delaying the request beyond the FY21 AvB effective end date by more than six months.

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 26 Sep 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 corrected to show his Fiscal Year 2021 Tier 3 AvB agreement for the period of 27 Jul 21 through 26 Jul 22, at the rate of \$15,000 per year, was approved.

## **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-2022-01809 in Executive Session on 20 Oct 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 5 Jul 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, NGB/A1P, dated 23 Aug 22.  
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 26 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.