

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02027

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### **APPLICANT'S REQUEST**

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 23 Jul 21 through 22 Jul 23 be approved.

### **APPLICANT'S CONTENTIONS**

He signed his AvB Agreement on 23 Jul 21 and the agreement was sent to his AvB coordinator; however, his Force Support Squadron was having manning issues and his coordinator failed to process his Agreement prior to the 31 Dec 21 deadline. He fully met the AvB policy eligibility requirements, and the delay 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).

On 23 Jul 21, 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 23 Jul 21 to 23 Jul 22.

On 24 Oct 22, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report, which shows he has been on a continuous active-duty status for his Retention and Retirement year 14 Jan 21 through 13 Jan 22 and has continued in that status through 15 Oct 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. On 23 Jul 21, the applicant signed a Tier 3 agreement for the period of 23 Jul 21 through 22 Jul 22 at the annual rate of \$15,000 per year. While the applicant forwarded to the AvB Coordinator for review and signature and the Coordinator signed on 25 Aug 21, the agreement was not forwarded or signed by the wing commander until 28 Jul 22. At the time of the error, the unit was going through major personnel changes, and the AvB coordinator failed to process three separate AvB requests before the deadline. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice due to process errors at the unit.

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 6 Oct 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 2021 Tier 3 AvB agreement for the period of 23 Jul 21 through 22 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-2022-02027 in Executive Session on 17 Nov 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 8 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 20 Sep 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 Oct 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.