

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02082

XXXXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 14 Jul 21 to 13 Jul 22 be approved.

APPLICANT’S CONTENTIONS

His alternate AvB Coordinator failed to submit his FY21 AvB to NGB/A1PF until a year after he signed the agreement. He fulfilled his agreement 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 major (O-4).

On 20 Oct 20, according to Order Number **Work-Product** provided by the applicant, he was issued Voluntary Contingency Military Appropriation orders in accordance with 10 U.S.C. §12301(d) for the period 1 Apr 21 through 30 Sep 21.

On 22 Aug 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 14 Jul 21 through 13 Jul 22.

On 26 Aug 22, modified orders provided by the applicant show Order Number **Work-Product** was amended to reflect inclusive dates of 1 Apr 21 through 30 Sep 23.

On 30 Sep 22, a pull from the Military Personnel Database System provided the applicant’s Point Credit Summary report, which confirms he has been on a continuous active-duty status for his Retention and Retirement years 23 Jul 20 thorough 22 Jul 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 14 Jul 21 through 13 Jul 22 at the annual rate of \$15,000 per year. The applicant digitally signed the FY 21 Tier 3 agreement on 22 Aug 21, but the AvB Coordinator failed to forward the request to NGB/A1PF until after the FY21 AvB Policy effective end date of 64 Dec 21. It was incumbent on the coordinator to submit the agreement as requested by the applicant, but failed to do so.

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.

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 14 Jul 21 through 13 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-2022-02082 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 11 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 15 Sep 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.