

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02629

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period 23 Sep 21 through 26 Feb 24 be approved.

### **APPLICANT'S CONTENTIONS**

His FY21 AvB Agreement was not submitted to the National Guard Bureau (NGB) in a timely manner. He submitted all signed documents to his Military Personnel Flight (MPF) on 7 Sep 21; however, the MPF neglected to submit his agreement until 14 Sep 22.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

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

On 7 Sep 21, according to FY21 AvB Agreement (Statement of Understanding) provided by the applicant, he requested and signed a Tier 1, Option 1 AvB contract for \$35,000 a year for two to four years. The effective start and end date of the agreement is from 23 Sep 21 to 26 Feb 24.

On 29 Jun 22, according to Order Number Work-Product, provided by the applicant, he was issued Full-Time National Guard Duty orders for a continuation tour from 23 Sep 21 through 26 Feb 24.

On 17 Nov 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 31 Jul 21 through 30 Jul 22, and has continued in that status through 31 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. 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 applicant's unit. On 7 Sep 21, the applicant signed a Tier 1, Option 1 agreement for two years and five months for the period 23 Sep 21 through 26 Feb 24, at the annual rate of \$35,000 per year. While the applicant forwarded the agreement to the AvB coordinator for review and signature, the agreement was not submitted to NGB/A1PF via the Case Management System until after the FY21 AvB Policy effective end date. Due to the unit AvB Coordinator's oversight, the applicant's package was not submitted in a timely manner.

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 10 Nov 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 FY21 Tier 1, Option 1 AvB agreement for the period 23 Sep 21 through 22 Feb 24, at the rate of \$35,000 per year, be 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-2022-02629 in Executive Session on 15 Dec 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 19 Sep 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, NGB/A1P, dated 17 Oct 22.  
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 Nov 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.