

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02768

XXXXXXXXXX

**COUNSEL:** XXXXXX

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 8 Apr 21 through 7 Apr 24 be approved.

### APPLICANT'S CONTENTIONS

He complied with the requirements and submitted his signed AvB Agreement to his AvB coordinator on 8 Apr 21. However, his Agreement was not properly staffed and did not reach the Air National Guard Readiness Center Commander (ANGRC/CC) for final endorsement until 5 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 25 Jun 20, according to Order Number XXXXXX, he was issued Statutory Tour – Extended Active Duty orders in accordance with 10 U.S.C §12301(d) and §12310 for the period of 29 Jun 20 through 28 Jun 24.

On 8 Apr 21, according to *Fiscal Year 2021 Aviation (AvB) Agreement (Statement of Understanding)* provided by the applicant, he signed and requested a Tier 1 AvB contract for \$35,000 a year for two to four years. The effective start and end date of the agreement is from 8 Apr 21 to 7 Apr 24.

On 20 Jan 23, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report, which confirms he has been on continuous active-duty status for his Retention and Retirement years 12 Apr 04 thorough present.

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 analysis of the facts, there is evidence of an error or injustice. The applicant is eligible for an AvB for the period on 8 Apr 21 through 7 Apr 24 at the annual rate of \$35,000 per year. The applicant digitally signed the FY 21 Tier 1 agreement on 8 Apr 21, but the AvB coordinator failed to forward the request to NGB/A1PF until after the FY21 AvB Policy effective end date. Due to coordinator oversight and administrative error, 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 6 Jan 23 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 1 AvB agreement for the period of 8 Apr 21 through 7 Apr 24, at the rate of \$35,000 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-2022-02768 in Executive Session on 7 Feb 23:

- , 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 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 15 Dec 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 Jan 23.

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.

**X**

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Board Operations Manager, AFBCMR