

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02770

XXXXXXX

COUNSEL: XXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 2 Jun 21 through 1 Dec 24 be approved.

APPLICANT'S CONTENTIONS

He complied with the requirements and submitted his signed AvB Agreement to his AvB coordinator on 5 May 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 11 Jul 22.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard major (O-4).

On 2 Jun 17, according to Order Number XXXXX provided by the applicant, dated 11 Mar 21, he was issued Statutory Tour – Extended Active Duty orders in accordance with 10 U.S.C §12301(d) and §12310 for the period of 2 Jun 17 through 31 Dec 24.

On 5 May 21, according to FY21 AvB Agreement (Statement of Understanding) provided by the applicant, he signed and requested a Tier 2, Option 1 AvB contract for \$25,000 a year for two to four years. The effective start and end date of the agreement is from 2 Jun 21 to 1 Dec 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 28 May 17 through 27 May 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 documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant is eligible for an AvB for the period on 2 Jun 21 through 1 Dec 24 at the annual rate of \$25,000 per year. The applicant digitally signed the FY 21 Tier 2 agreement on 5 May 21, however the AvB coordinator failed to forward the request to NGB/A1PF until after the FY21 AvB Policy effective end date and the Air National Guard Readiness Center commander was unable to

review and sign until 6 Oct 22. 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 2 Aviation Bonus (AvB) Agreement for the period of 2 Jun 21 through 1 Dec 24, at the rate of \$25,000 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-2022-02770 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 20 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

Board Operations Manager, AFBCMR