

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02787

XXXXXXXXXX

**COUNSEL:** XXXXX

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Bonus (AvB) Agreement for the period of 1 Sep 21 through 31 Aug 24 be approved.

### APPLICANT'S CONTENTIONS

He had several phone conversations with the AvB coordinator in Sep 21 and was assured that everything was good to go. However, the AvB Coordinator failed to properly staff his FY21 AvB agreement and as a result he did not receive his AvB as authorized.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 2 Sep 22, according to the *Fiscal Year 2021 Aviation Bonus (AvB) Agreement (Statement of Understanding)* provided by the applicant, he signed and requested 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 1 Sep 21 to 31 Aug 24.

On 2 Sep 22, according to the NGB/HR (Aviation Bonus Coordinator) memorandum, *Aviation Bonus Exception to Policy* provided by the applicant, on 1 Sep 21 the applicant submitted an AvB agreement to NGB/HR in accordance with the Air National Guard (ANG) Fiscal Year (FY) 2021 AvB Implementation Policy and due to administrative oversight and through no fault of the applicant, the agreement was not submitted to the Air National Guard Readiness Center Commander (ANGRC/CC) for endorsement prior to being staffed for further processing.

On 6 Oct 22, according to the NGB/HR memorandum, dated 2 Sep 22, the ANGR/CC concurred with the NGB/HR Exception to Policy request and supports the execution of the FY21 AvB agreement for the applicant with the effective dates of 1 Sep 21 through 31 Aug 24.

On 22 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 19 Feb 21 through 18 Feb 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 denying the applicant's request. On 22 Sep 22, the FY21 AvB Tier 1, Option 1 agreement for a period of three years, 1 Sep 21 – 31 Aug 24, at the annual rate of \$35,000 was signed by the applicant, which is significantly outside the FY21 policy effective end date of 31 Dec 21. While the AvB Coordinator and the ANGRC/CC did not review, approve, and sign until 26 Aug 22 and 6 Oct 22 respectively, the applicant and the AvB Coordinator did not follow applicable guidance and policy procedures. As a result, the completed agreement and applicable documentation were not received by NGB/A1PF until after the policy close-out date and after the mandated program close-out report was submitted to the Deputy Assistant Secretary of Defense.

Based upon the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice.

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), and the applicant replied on 15 Feb 23. In his response, the applicant contended that he did everything he could to ensure that his AvB Agreement was signed within the signing period. From the start of his orders, he had requested information on how to apply for the bonus and it took six months, with many calls and emails, just to determine who was his AvB coordinator. He points out that NGB is notoriously slow at administrative tasks as evidenced by: NGB taking an entire year to get correct Permanent Change of Station (PCS) orders; and NGB taking six months just to provide an advisory on his case to the BCMR. These two examples are not an attempt to belittle NGB, but to highlight that their AvB process suffers from the same extremely slow bureaucratic process which led to his AvB Agreement not being completed within the requisite timeframe. He cites the *AvB Exception to Policy Letter*, submitted by the AvB coordinator, that states "Due to administrative oversight, and **through no fault to the member**, the agreement was not submitted to ANGRC/CC for endorsement prior to being staffed to NGB/A1PF for further processing."

This was clearly an administrative issue which was simply beyond his control.

The applicant's complete response is at Exhibit E.

### **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. While the Board notes the recommendation of NGB/A1P against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes, the memorandum requesting an exception to policy from the applicant's Aviation Bonus Coordinator, which was also approved by the ANGRC Commander, indicates that the delay in submitting the FY21 AvB agreement was of no fault of the applicant and was due to an administrative oversight. In this regard, the Board believes that the administrative delays in the NGB process of aviation bonuses precluded the applicant from submitting a timely AvB agreement in FY21. 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 Aviation Bonus agreement for the period of 1 Sep 21 through 31 Aug 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-2022-02787 in Executive Session on 7 Feb 23 and 11 Apr 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 21 Oct 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, NGB/A1P, dated 16 Dec 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Jan 23.  
Exhibit E: Applicant's Response, w/atchs, dated 15 Feb 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