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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02970

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She requests retroactive back pay for a four year medical special pay retention bonus.

APPLICANT'S CONTENTIONS

She was ineligible and unable to apply for a retention bonus due to erroneous information in her records that almost forced her involuntary separation. The injustice in her records were determined in BC-2019-04416 and BC-2021-02981. She maintained her registered nurse (RN) license and certification during the timeframe and would have otherwise qualified.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a major (O-4) in the Air Force.

The applicant's automated records management system (ARMS) records shows her last Incentive Special Pay (ISP) Contract was effective 5 Aug 15 through 4 Aug 16, which shows an ISP in the amount of \$5,000 annually.

The applicant provides a license issued by her state department of health dated 22 Feb 19 showing she met all requirements for the RN license, with 30 Apr 21 expiration date.

On 11 Mar 21, the Board (BC-2019-04416) found the applicant's commander relied on bad information when she was charged with sexual assault and concurred with the rationale and recommendation of DAF/JA that the unfavorable personnel actions be removed from her record. The Board removed the applicant's Article 15 dated 15 Oct 18, expunged her security information file (SIF) and restored her security clearance, removed her unfavorable information file (UIF), granted her special selection board (SSB) promotion consideration for lieutenant colonel and removed her officer performance report for the period ending 2 Dec 18.

On 2 Dec 21, the Board (BC-2021-02981) corrected the applicant's records to show her nonselections for promotion to lieutenant colonel (O-5) for the CY19C and CY20C Lieutenant Colonel Nurse Corps (NC) Central Selection Boards (CSB) be removed from her record. The

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applicant's derogatory information removed by the AFBCMR in BC-2019-04416 was still in her records when the promotion board convened.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit D.

AIR FORCE EVALUATION

AFPC/DP2N recommends denial. The applicant did not reach out to their office regarding eligibility and never signed nor submitted a contract request for a retention bonus. Ultimately, it is the member's responsibility to submit contracts at the appropriate time, read the Pay Plan to determine eligibility and ask questions if they are unsure about their medical special pay options. Additionally, 37 U.S.C. § 335 contains no retroactive language to allow for backdating/retroactive pay.

The complete advisory opinion, with attachment, is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 9 Jan 23 for comment (Exhibit E) 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. While the Board notes the recommendation of AFPC/DP2N against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Although it is the member's responsibility to submit retention bonus contracts at the appropriate time, the Board finds there were mitigating factors in the applicant's case to excuse the failure to submit a timely retention bonus contract. In this respect, given the AFBCMR in BC-2019-04416 and BC-2021-02981 concluded the applicant was the victim of an error or injustice and removed the unfavorable personnel actions and granted the applicant SSB consideration, the Board recommends granting the applicant's request for a retroactive retention bonus. 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 she was approved for a Medical Special Pay (Nurse Corps) Retention Bonus contract for the period of 3 Dec 17 to 30 Nov 22.

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-2022-02970 in Executive Session on 7 Feb 23:

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Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Nov 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: ROPs and Directives BC-2019-04416 and BC-2021-02981.
- Exhibit D: Advisory Opinion, AFPC/DP2N, w/atchs, dated 15 Dec 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 9 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.

7/7/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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