



CUI//SP-MIL/SP-PRVCY
UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

W. *Work-Product*

DOCKET NUMBER: BC-2022-03129

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Fiscal Year 2022 (FY22) Aviation Retention Bonus (AvB) Agreement be backdated to reflect a Fiscal Year 2021 (FY21) agreement with an effective start date of 1 Oct 21.

APPLICANT'S CONTENTIONS

In Mar 22, the applicant discovered that he should have entered into a FY21 AvB agreement effective 1 Oct 21. According to a memorandum for record submitted by the Force Support Squadron Commander (FSS/CC), the applicant was not at fault for not entering the FY21 AvB agreement, and requests that his AvB agreement dates be adjusted from 11 Apr 22 through 10 Apr 23 to reflect 1 Oct 21 through 31 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).

Effective 14 Jan 19, according to *Aeronautical Order (PA) Aviation Service*, the applicant's crew position is reflected as pilot, and is required to perform frequent and regular flight.

On 10 Mar 22, according to *Fiscal Year 2021 Aviation Bonus (AvB) Agreement (Statement of Understanding)*, provided by the applicant, he requested a Tier 1, Option 1 AvB contract with an annual amount of \$35,000 for two to four years with an effective start and end date of 1 Oct 21 to 1 Oct 23. On 14 Mar 22, the Unit AvB Coordinator digitally signed the AvB SOU; and on 15 Mar 22, the Wing Commander digitally signed the AvB SOU.

On 12 May 22, according to *Fiscal Year 2022 Aviation Bonus (AvB) Agreement (Statement of Understanding)*, provided by the applicant, he requested a Tier 1, Option 2 AvB contract with an annual amount of \$25,000 for one year to two years and eleven months with an effective start and end date of 11 Apr 22 to 11 Apr 23. On that same date, the applicant and the Unit AvB Coordinator digitally signed the AvB SOU; and on 17 May 22, the Wing Commander digitally signed the AvB SOU.

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

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Controlled by: SAF/MRB CUI Categories: SP-MIL/SP-PRVCY Limited Dissemination Control: N/A POC: SAF.MRBC.Workflow@us.af.mil
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APPLICABLE AUTHORITY/GUIDANCE

Air National Guard Fiscal Year (FY) 2021 Aviation Bonus (AvB) Implementation Policy, states the ANG AvB policy is effective 11 Apr 21 and ends on 31 Dec 21.

AIR FORCE EVALUATION

NGB/A1P recommends denying the application. The applicant is requesting that an Aviation Bonus (AvB) agreement for the period 1 Oct 21 through 30 Sep 23 be approved. Based on documentation provided from the applicant and analysis of the facts, there is no error or injustice on the part of the Air Force. There is no evidence the applicant signed the AvB agreement within the applicable period per ANG FY21 AvB Implementation Policy. Additionally, there is no precedent that allows for an AvB agreement to be backdated after the eligibility period end date.

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 13 Feb 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. 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 for Record submitted by the local FSS/CC confirms the applicant was miscounseled and was not at fault for not completing an FY21 AvB agreement for the period of 1 Oct 21 through 30 Sep 23. As such, the Board finds that had the applicant been properly counseled when he inquired with his FSS in Sept 21, he would have been able to submit a timely and effective agreement. 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 that his Fiscal Year 2022 (FY22) Aviation Retention Bonus Agreement be corrected to reflect a Fiscal Year 2021 (FY21) agreement for the period of 1 October 2021 to 30 September 2023 in the amount of \$35,000 per annum.

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-2022-03129 in Executive Session on 11 Apr 23:

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 6 Jun 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, NGB/A1P, w/atchs, dated 17 Jan 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 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.

5/7/2024

Work-Product