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## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2022-03284

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His Fiscal Year 2021 (FY21) Aviation Retention Bonus (AvB) Agreement be effective 13 Dec 21.

### APPLICANT'S CONTENTIONS

The applicant completed an FY21 AvB Agreement Statement of Service (SOU) for the period of Dec 21 to Dec 22. He recently discovered the AvB was denied by NGB/A1PF because, due to reasons outside of his control, the approval of his AvB SOU was delayed and was not signed by the final approver in time to meet the suspense.

The applicant's Wing Commander submitted an FY21 AvB Exception to Policy waiver request to NGB/A1PF on behalf of the applicant, in which he notes processing delays prevented the approved AvB agreement from meeting the FY21 AvB deadline.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force lieutenant colonel (O-5).

Per Work-Product dated 17 Apr 18, submitted by the applicant, he was on Full Time Active Guard Reserve Continuation Tour in accordance with 32 U.S.C. § 38 & 32 U.S.C. § 502(F) & ANGI 36-101 for the period of 16 May 18 to 15 May 22.

Effective 18 Feb 21, according to *Aeronautical Order (PA) Aviation Service*, the applicant's AFSC was changed from 1A, Air Crew Operations to 1U, Air Crew Operations (RPA), and he was required to perform frequent and regular flight.

On 18 Feb 22, according to *Fiscal Year 2021 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 one year and eleven months with an effective start and end date of 13 Dec 21 to 12 Dec 22. On 23 Feb 22, the applicant digitally signed the AvB SOU. Furthermore, the form was digitally signed by the Unit AvB Coordinator on 18 Feb 22 and approved by the Wing Commander on 5 Mar 22.

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For period of service 1 Oct 18 through 31 Jan 23, DD Form 214, *Certificate or Release or Discharge from Active Duty*, shows that the applicant retired after twenty (20) years, seven (7) months, and twenty-six (26) days of active service. In addition, the applicant served for four (4) years, and four (4) months in primary specialty 18A3, *Attack Remote Piloted Aircraft Pilot*,

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

## **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/A1PF recommends denying the application and states there is insufficient evidence of an error or injustice. The applicant contends his AvB agreement for the term of Dec 21 to Dec 22 was not submitted in a timely manner due to the coordination delays with the AvB Coordinator. On 18 Feb 22, the AvB agreement was digitally signed by the AvB Coordinator and the Wing Commander and on 1 Mar 22, NGB/A1PF received the AvB agreement via CMS. However, the documents were dated after the closeout of the FY21 policy (31 Dec 21), and thus disqualified the applicant from entering the FY21 AvB agreement. Furthermore, there are not corroborating records, a signed agreement, or email correspondence before the FY21 policy effective end date to verify the timeline presented.

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 23 Feb 23 for comment (Exhibit D), but has received no response.

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 letter of support from the applicants Wing Commander and found, due to reasons outside of the applicant's control, processing delays by the Wing AvB coordinator prevented the approved AvB agreement from meeting the FY21 AvB deadline. Therefore, the Board recommends correcting the applicant's records as indicated below.

## **RECOMMENDATION**

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The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he be approved a Fiscal Year 2021 (FY22) Aviation Bonus Agreement for the period of 13 December 2021 through 12 December 2022 in the amount of \$25,000 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-2022-03284 in Executive Session on 11 Apr 23:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 14 Dec 22.

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

Exhibit C: Advisory Opinion, NGB/A1PF, w/atchs, dated 23 Jan 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 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.

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