



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-01011

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

She be paid approximately \$11,000 for her Foreign Language Proficiency Bonus (FLPB).

**APPLICANT'S CONTENTIONS**

Her Air Force Specialty Code (AFSC) is 1N371, Cryptologic Language Analyst. Per DAFI 36-4005, *Total Force language, Regional Expertise, and Culture*, the Defense Language Proficiency Testing (DLPT) scores determine the FLPB amount. Her requests for missing FLPB payments were routed through multiple chains of command. The wing refused to settle the debt accrued during her Individual Mobilization Augmentee (IMA) service for the period of 2011 to 2014. Several claims were submitted via myPers and the Case Management System (CMS) without any resolution. She has been seeking relief since 2012. According to DoDI 1340.27, *Military Foreign Language Skill Proficiency Bonuses*, the Secretary of the Air Force (SECAF) must pay FLPB to Cryptologic Language Analysts. Expiration of entitlements occur only if the airman fails to recertify. Her DLPT history shows her proficiency certification in several languages is up to date.

Her commander advised her to submit an AFBCMR application due to the Defense Finance and Accounting Service (DFAS) justifying nonpayment under the Barring Act. She certified proficiency via DLPT, reported discrepancies in a timely manner and patiently waited for payment. The timeline is lengthy due to several restarts and requests for FLPB backpay as she transferred units.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Force Reserve technical sergeant (E-6).

On 25 Aug 14, the applicant via myPers requested assistance for receipt of her FLPB for two languages stating she should receive \$400.00 a month for Ukrainian and \$300.00 a month for Russian. In May 14, she was paid \$13.00 for one day and \$350.00 in Jun and Jul. The applicant indicated the total amount should be \$700.00. The applicant provides CMS cases and email threads requesting payment.

In an email dated 30 Jul 20, the former command language program manager (CLPM) provided AF/A1 the applicant's DLPT scores from 2012 to 2016 and indicated the discrepancies in FLPB estimates earned. She provides spreadsheets to show she is owed \$11,066.84 in FLPB for the period of Mar 12 to Mar 17.

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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
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On 4 Dec 20, the applicant requested assistance from ARPC/DPTTB for missing FLPB from 2014 when she was an IMA. In a response dated 4 Dec 20, ARPC/DPTTB informed the applicant there was a maximum timeframe that members could be entitled to backpay.

On 7 Aug 21, the applicant's commander requested assistance from AFRC/RIO to help the applicant recoup missing language pay from 2011 to 2014 during her time as an IMA. Her commander stated they wanted to exhaust all options with RIO before submitting a request to the AFBCMR. The applicant had documentation to show she attempted to recoup the FLPB before the six year point. In a response dated 9 Aug 21, RIO responded they were unsure if the FLPB could be paid due to the timeframe.

In an email dated 4 May 22, AFRC/RIO informed the applicant they could only pay her going back six years and six months. Additionally, the ARPC Education Office did not have any documentation for the applicant. Even though it was the applicant's responsibility, they reached out to the Education Center for her DLPT test scores; however, they were informed there were no records (AF Form 2096, *Classification/On-the-Job Training Action*) for the test scores.

The applicant did not provide and her automated records management system (ARMS) record does not include any AF Forms 2096 for the period 2011 to 2017 for which the applicant requests FLPB per DAFI 36-4005.

In an email dated 25 Jul 22, ARPC/DPATE informed the applicant's unit the applicant was ineligible for FLPB backpay due to the Barring Act.

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

**APPLICABLE AUTHORITY/GUIDANCE**

31 U.S.C. § 3702(b), the Barring Act, jurisdiction to consider claims is limited to those that are filed within six years after they accrue. However, under 31 U.S.C. § 3702(e), the Secretary concerned may waive the time limits for claims involving a service member's pay, allowances or survivor benefits to allow payment of the claim up to \$25,000.

DAFI 36-2603, *Air Force Board for Correction of Military Records*, the Board normally decides cases on the written evidence contained in the record. It is not an investigative body; therefore, the applicant bears the burden of providing evidence of an error or injustice.

DAFI 36-4005, *Total Force language, Regional Expertise, and Culture*, Paragraph 3.2.3, Written Agreement Required. Per DODI 1340.27, *Military Foreign Language Skill Proficiency Bonuses*, the SECAF and service member will enter into a written agreement regarding FLPB. The AF Form 2096 will serve as the document of this agreement and must specify the amount of FLPB awarded, the period for which the FLPB must be paid and the certification or recertification necessary for the FLPB payment.

Paragraph 3.5.4., To ensure accurate FLPB payment for Cryptologic Language Analysts who test in multiple languages, CLPMs and/or test control officers are required to submit either a verification of training memorandum or the Verification of Military Experience and Training (vMET) transcript from MilConnect to AFPC. This memorandum, in addition to the AF Form 2096 serves as the required documentation to facilitate the payment of FLPB.

## **AIR FORCE EVALUATION**

AF RIO/IRO recommends denial. There is no evidence of an error or injustice. According to the HQ RIO Chief of Financial Operations, it has been verified that the applicant has received all FLPB she was entitled to according to the documents that were processed by ARPC Education Services. If further eligibility entitlements are determined by ARPC Education Services, AF/RIO/RPO will process additional pay when source documents are received.

In accordance with DAFI 36-4005, paired with the DLPT scores, the applicant received the amount of pay earned as determined by the FLPB chart. The applicant provided forms documenting missed payments spanning back to 2012. ARPC Education Services, after determining eligibility, processed the update in the applicant military data systems profile with the documents provided by the applicant via the myPers ticketing system. Once the update was completed, ARPC Education Services office forwarded the amount of pay entitled and the length of time authorized for payments to RIO/RPO.

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 12 Sep 23 for comment (Exhibit D), and the applicant replied on 10 Oct 23. In her response, the applicant contended that due to the test control officer's error, her DLPT scores were not received by RPO. She asks for a complete review of her DLPT scores and FLPB payments with a DFAS representative or a military pay specialist to identify missing amounts and authorized disbursement. She requests a meeting for an audit and reconciliation and is willing to travel to the nearest DFAS location to accomplish this task.

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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AF RIO/IRO and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant contends she is owed more than \$11,000 in backpay for FLPB; however, insufficient evidence has been presented to substantiate this to be the case. In this respect, the applicant's records do not include any AF Forms 2096 or FLPB certifications for the period 2011 to 2017 for which she requests FLPB backpay. Moreover, the applicant requests a meeting to reconcile her FLPB back pay amount, however, this Board is not an investigative body and it is the applicant's responsibility to provide evidence of an error or injustice. However, should the applicant provide additional evidence in support of her request, the Board would be willing to reconsider her request. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## **RECOMMENDATION**

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The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

**CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-01011 in Executive Session on 13 Feb 24:

*Work-Product* [Redacted], Panel Chair  
*Work-Product* [Redacted] Panel Member  
*Work-Product* [Redacted] Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 30 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AF/RIO/IRO, dated 8 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Sep 23.
- Exhibit E: Applicant’s Response, w/atchs, dated 10 Oct 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

3/22/2024

*Work-Product* [Redacted]

Board Operations Manager, AFBCMR

*Work-Product* [Redacted]