

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXX

DOCKET NUMBER: BC-2023-01026

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Fiscal Year 2022 (FY22) Aviation Bonus (AvB) Agreement, Tier 3, for the period of 1 May 22 through 30 Apr 23 be approved.

APPLICANT'S CONTENTIONS

He signed his AvB Agreement with an effective date of 1 May 22 and it was endorsed by his wing commander on 8 Jun 22; however, through no fault of his own, it was not submitted in the Case Management System (CMS) until after the program close-out date of 31 Dec 22. He fully met the AvB policy eligibility requirements, but the delayed submission caused his agreement to be submitted after the deadline.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 May 22, according to Order Number XXXXX, dated 9 Mar 23, document provided by the applicant, he was placed on Active Duty – Voluntary Non Contingency orders in accordance with 10 U.S.C §12301(d) for the period of 1 May 22 – 30 Apr 23.

On 6 Jun 22, according to FY 22 AvB Agreement (Statement of Understanding), provided by the applicant, he signed and requested a Tier 3 AvB contract for \$15,000 a year for one to two years. The effective start and end date of the agreement is from 1 May 22 through 30 Apr 23.

On 18 Aug 23, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report, which reflects that for his Retention and Retirement year of 9 Feb 22 through 8 Feb 23 he was credited with 81 active duty points.

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 granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. On 6 Jun 22, the applicant signed a Tier 3 agreement for one year for the period of 1 May 22 through 30 Apr 23 at the annual rate of \$15,000 per year. The Agreement was then signed by the wing's AvB Coordinator, the Wing Commander, and was submitted via CMS to NGB/A1PF for review and processing on 8 Jun 22. Upon review, errors were found between the agreement, orders, and the checklist and was returned to the AvB coordinator for corrections that same day. On 30 Mar 23,

the AvB package was again submitted via CMS to NGB/A1PF for review and was denied and returned as three months had elapsed since the expiration of the FY22 AvB program.

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 11 Aug 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. The Board concurs with the rationale and recommendation of NGB/A1P and finds a preponderance of the evidence substantiates the applicant's contentions. 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 2022 Tier 3 Aviation Bonus (AvB) Agreement for the period of 1 May 22 through 30 Apr 23, at the rate of \$15,000 per year, was approved.

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-2023-01026 in Executive Session on 12 Sep 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 31 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 12 Jun 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 11 Aug 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.

X

Board Operations Manager, AFBCMR