

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01154

XXXXXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His date of enlistment (DOE) be changed from 31 Mar 23 to 15 May 23.
2. He be allowed to receive a Fiscal Year 2023 (FY23) Air Force Reserve Enlisted Incentive Bonus.

APPLICANT'S CONTENTIONS

His enlistment ended on 16 May 23. He was issued deployment orders beginning on 27 Apr 23 but did not have the required retainability for the deployment. As such, he reenlisted during a scheduled unit training assembly (UTA) from 31 Mar 23 – 2 Apr 23. Because he was receiving an incentive bonus from his previous reenlistment, 17 May 17, he was informed that he would not be able to reenlist more than 30 days prior to the end of his enlistment period. However, because of his drill schedule, deployment, and an administrative error, dates were overlooked, and his reenlistment was processed early. He would like to be granted the ability to receive the bonus afforded to his Air Force Specialty Code (AFSC) on his reenlistment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve master sergeant (E-7).

On 17 May 17, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted in the Air Force Reserve for a period of six years.

On 15 Aug 22, according to Reserve Order XXXXX, dated 15 Aug 22, the applicant was ordered to Activation (Mobilization) in accordance with 10 U.S.C. § 12302 for the period 20 May 23 to 7 Oct 23.

On 23 Aug 22, according to the Squadron Commander's memorandum, *UTA Schedule Employee Letter*, the FY23 UTA schedule was released. UTA was scheduled on the following dates for Spring 2023: 1 to 2 Apr 23; 6 to 7 May 23

On 3 Feb 23, according to Reserve Order XXXXXXX, the applicant's orders were amended to reflect a new start date of 27 Apr 23 for the purpose of pre-deployment training.

On 31 Mar 23, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, he reenlisted in the Air Force Reserve for a period of four years.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-3012, *Military Entitlements*, dated 23 Aug 19, Chapter 5, *Air Reserve Component (ARC) Incentive Program*. An incentive is granted to a member who voluntarily reenlists in the Air Force Reserve and meets the following criteria: Reenlists within six months of current expiration term of service (ETS) when not currently receiving an incentive or reenlists within 30 days from current ETS when currently receiving an incentive. CAUTION: When reenlisting a member who is potentially eligible to receive a reenlistment incentive, ensure the reenlistment takes place “within” the six-month timeframe and not one day “after” the ETS. They must have a minimum of six years of service based on pay date to reenlist for three, four, or five years. **Note:** If a member has an incentive, reenlistment more than 30 days before their ETS, requires a waiver from AFRC/A1KK prior to reenlistment unless they are reenlisting to transfer education benefits. Although reenlistment for the G.I. Bill can take place at any time, it does not automatically make a member eligible for a reenlistment bonus.

Air Force Reserve Officer and Enlisted Bonus Incentive Guide – FY 23, paragraph 1, General Information, Enlisted Incentive Program. Every enlisted bonus requires a written agreement in accordance with Section 331 of 37 U.S.C. and DoDI 1304.31, *Enlistment Bonus Program*. Enlistment and reenlistment bonuses directly correlate with length of contract and will range from \$7,500 to \$15,000 based on the term of enlistment and paid out over a total of 3-6 years. For the Air Force Reserve, enlisted bonuses under this program are limited to traditional and individual reservist and eligibility for annual payment requires satisfactory participation. If an Airman fails to meet the terms covered within the applicable regulatory guidance, the member shall be subject to repayment provisions of Section 373 of Title 37 U.S.C., and Chapter 2, Volume 7a, of DoD 7000.14-R, *Financial Management Regulation*.

Paragraph d, Reenlistment (Retention): An incentive granted to an Airman reenlisting for a three or six year specified period in an incentive DAFSC [Duty AFSC]. Airmen must reenlist within six months of current ETS when they are not currently receiving an incentive. Current incentive recipients must reenlist within 30 days of their ETS to maintain future incentive eligibility.

AIR FORCE EVALUATION

ARPC/DPAT (Education and Incentives) recommends granting the applicant’s request. The unit’s urgency for the applicant to obtain retainability in order to be mission and deployment ready, expedited his reenlistment by one month, from 15 May 23 to 1 Apr 23; thus making him ineligible due to being outside the 30-day eligibility window as outlined in AFI 36-3012, Chapter 5, section 5.4.4.1. At the time of his reenlistment there was not a Wing Talent Management Consultant (WTMC) assigned to his unit. As such, there is no way to determine if he had been fully briefed by a knowledgeable and authorized WTMC in order for him to make an informed decision about reenlisting early. If an incentive package would have been submitted on behalf of the applicant requesting a reenlistment incentive, they would have disapproved the request.

Based on the unit requirement for the applicant to obtain retainability for mission and deployment readiness and the lack of a WTMC, he had no knowledge of his reenlistment options. As such, they recommend approval of his request to change his DOE. However, a change to his DOE does not guarantee him an incentive bonus, rather it allows him to apply for an incentive bonus.

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 27 Jun 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 ARPC/DPAT and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant has provided evidence he was required to reenlist one month early in order to obtain the required retainability for mission and deployment readiness. In addition, the unit lacked a WTMC who could properly inform the applicant of his reenlistment options, which is sufficient to justify granting his request to change his DOE. Notwithstanding, the Board is aware a change to his DOE does not guarantee the applicant will receive an incentive bonus as requested. However, as ARPC/DPAT noted, a change to his DOE will allow the applicant to apply for an incentive bonus. Therefore, once his DOE is corrected, the applicant should be allowed to apply for the FY23 Air Force Reserve Enlisted Incentive Bonus. Accordingly, 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 reflect to show:

- a. His reenlistment, effective 31 Mar 23, be void and removed from his records.
- b. He reenlisted for a period of four (4) years, effective 15 May 23.
- c. He be allowed to apply for the FY23 Air Force Reserve Enlisted Incentive Bonus.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2023-01154 in Executive Session on 17 Aug 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 10 Apr 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 15 Jun 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to applicant, dated 27 Jun 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