



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03531

Work-Product

COUNSEL: Work-Prod...

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He receive backpay for Fiscal Year (FY) 2023 Incentive Pay (IP).

APPLICANT'S CONTENTIONS

He was eligible for FY23 IP. However, due to miscommunications, changes in staffing at NGB, and false assurances he was receiving IP, the process was delayed into FY24. He accomplished all the tasks necessary for IP at the time of his Active Duty for Operational Support (ADOS) orders extension. He was given reassurances everything was approved; however, his finance office would not process the IP as they did not have an eligibility letter from NGB. The individual who was handling his case at NGB has left and despite having FY23 ADOS orders, a signed contract, and a valid medical license, NGB will not provide an approval letter for FY23 and have instructed him to submit an AFBCMR request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

From 28 Mar 22 – 30 Sep 23, according to Order Number Work-Product dated 19 Oct 22, the applicant was on Active Duty for Operational Support (ADOS) orders, in accordance with Title 10 U.S.C. § 12301(d).

On 8 Sep 22, according to email traffic, the applicant informed NGB/SG his ADOS orders were in the process of being renewed for another year and requested to get his IP form "funneled through his unit prior to 1 Oct [22]." On 24 Sep 22, NGB/SG replied stating "I should be able to do a simple extension on your pay letter without having to do any forms."

On 9 Sep 23, according to the *Application for Air National Guard Health Professionals Officers Incentive Pay (IP)/Board Certification Pay (BCP)*, he requested a 2-year Incentive Pay. On 3 Oct 23, the Medical Group Commander approved his request.

On 16 Oct 23, according to a memorandum, Medical Special Pay (MSP) Initiation, the applicant is eligible for IP paid at the monthly rate of 1/30th of the IP monthly amount of \$1,667.76. Further, this letter of eligibility will remain current for 2 years provided the member is on orders for orders greater than 30 days at a time.

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On 3 May 24, a Point Credit Summary from the Military Personnel Database System reflects the applicant has been on continuous active-duty status for his Retention and Retirement years 29 May 22 – 28 May 23 and continuing through present.

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

AIR FORCE EVALUATION

NGB/SGXP, 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. The applicant started an ADOS tour on 28 Mar 22 and began receiving IP and his eligibility letter was valid until 30 Sep 22. The POC at the time, informed him that he would just need to update his eligibility letter to cover his updated orders for the period of 1 Oct 22 – 30 Sep 23. However, due to unclear guidance, the applicant was unaware that IP requires a new contract when their eligibility memo expires. The applicant followed the previous POC's instructions and assumed his IP would automatically be continued. Despite him being unable to get an answer to whether or not he was getting IP for FY23, he did meet the eligibility requirements.

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 9 Jan 24 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/SGXP and finds a preponderance of the evidence substantiates the applicant's contentions. In this respect, the Board notes the applicant met the FY23 IP eligibility requirements; however, due to no fault of the applicant, systemic failure within the process, to include not being properly counseled regarding the status and/or renewal process of his IP entitlement, directly contributed to his inability to submit the application within the submission deadlines prescribed by the governing authority. 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:

1. His Application for Air National Guard Health Professions Officers Incentive Pay (IP), dated 9 September 2023, was approved.
2. He receives back pay associated with the approved contract.

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-2023-03531 in Executive Session on 11 Jun 24:

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 25 Oct 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/SGXP, dated 28 Dec 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 8 Jan 24.

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.

10/16/2024

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Board Operations Manager, AFBCMR	
Signed by:	Work-Product