



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01521

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

She retroactively receive a three year Consolidated Special Pays (CSP) Retention Bonus (RB) from 2021 through 2023.

APPLICANT'S CONTENTIONS

Her last special pay contract ended in Jul 20. Since she planned on retiring in Aug 22 she didn't want to incur an additional Active Duty Service Commitment (ADSC) and therefore submitted a one-year only Incentive Pay (IP) contract in Jul 21. However, in Aug 21, after submitting her retirement application, she found out that she was "not eligible" due to an open Inspector General (IG) investigation. She goes onto explain the timeline, stating that in Oct 20 she was notified of the IG investigation and interviewed in Oct 20. Starting in Apr 21, she requested updates on the investigation and in Aug 21 she was told that the report was initially expected to reach IGQ in Jan 22. At that time, believing that she was still on track for an Aug 22 retirement, she did not seek another RB contract. However, an update from the IG in Oct 21 pushed the completion date to Feb 22, then Apr 22, and finally to Feb 23 when the report was finally submitted to IGQ and where final disposition is still pending. Had she known that she would not be allowed to retire she would have submitted an additional RB contract.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Medical Corps colonel (O-6).

On 13 Jun 17, according to her *Consolidation of Special Pays (CSP) Incentive Pay (IP) and/or Retention Bonus (RB) for MC, DC, and BSC*, document provided by the applicant, she was approved for a 4 year multi-year coupled Incentive Pay (IP) in the amount of \$54,000 paid annually in equal monthly payments, and Retention Bonus (RB) in the amount of \$35,000 paid annually with an effective start date of 26 Jul 17.

On 2 Feb 20, according to AF Form 63, *Active Duty Service Commitment (ADSC) Acknowledgement Statement*, the applicant signed and acknowledge she will incur a 2-year ADSC for a Continental United States (CONUS) to CONUS permanent change of station move.

On 20 Jul 20, according to a pull from her Military Personnel Database System (MilPDS) record, dated 19 Oct 23, indicates she reported to Joint Base Work-Product. According to

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

Special Order [Work-Product], dated 26 May 20, the applicant received permanent change of station orders from [Work-Pro...] AFB to Joint Base [Work-Product] with a report no later than date of 31 Jul 20. This established an ADSC date of 19 Jul 22.

On 19 Oct 20, according to email from [Work-...] Special Operations Wing Inspector General ([Wo... SOW/IG) office, *Subject: IG Investigation Interview*, document provided by the applicant, the investigator informed the applicant that she was the subject in investigation, FRNO [Work-Product] and requested to provide her availability for an interview for the following week, 26-30 Oct 20.

On 8 Jul 21, according to her FY21 Consolidation of Special Pays (CSP) Incentive Pay (IP) Contract Request (Non-GMO), she was approved for a one-year incentive pay in the amount of \$54,000 annually paid in equal monthly installments with an effective start date of 26 Jul 21.

According to documentation provided by the applicant:

On 20 Aug 21, according to email from [Wor...] SOW/IG office, *Subject: Investigation Update*, the applicant was advised the report was not yet completed but was tentatively expected to reach AFSOC/IG for review on 1 Jan 22 before being sent to DAF/IG and DoD/IG for final approval of findings.

On 7 Oct 21, according to email from [Work-...] SOW/IG office, *Subject: Investigation Update*, the applicant was advised that there have been additional findings which will result in a change to the investigation timeline and the estimated date will shift to 18 Feb 22.

On 9 Mar 22, according to email from [Work-...] SOW/IG office, *Subject Investigation Update*, the applicant was advised that the Report of Investigation (ROI) is projected to be completed by 13 Apr 22.

On 29 Apr 22, according to email from the [Work-...] SOW/IG office, *Subject: Timeline Update*, the applicant was informed that they are very close to completing the ROI and they are working towards a 13 May date for legal review.

On 13 Feb 23, according to email from the [Work-...] SOW/IG office, *Subject: RE: Periodic Updated for FRNO 2019-13177*, the applicant was informed that AFSOC/IG accepted the case and had begun their review.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of Defense (DoDI) 6000.13 Department of the Air Force Instruction (AFI) 41-110, *Medical Health Care Professions Scholarship Programs*, 12, CSP, g, *Air Force Special Pay*, (3) (Added) (AF) Officers with expiring contracts must determine the effective date necessary to avoid any interruption in pay or unintended extension of active duty service commitment (ADSC). (T-1). (a) (Added) (AF) New contracts may be submitted no earlier than 60 days prior to the effective date. Contracts cannot have an effective date prior to the first day of the month in which the member signs the contract (e.g., member signs contract 14 July 2019 and cannot use an effective date earlier than 1 July 2019).

Paragraph 12 (g) 5(f) (Added) (AF) Officers retiring/separating with less than 12 months of retainability following the expiration of a multiyear contract and who have an ADSC due to consecutive commitments (a tail) are required to sign an IP-only contract prior to the conclusion of the existing multiyear contract in order for their IP to continue. The IP-only rate will be paid for the remainder of the “tail” period. (T-0). The contract must be submitted at least 30 days prior to the conclusion of the multiyear contract in order to avoid a lapse in pay. (T-0).

According to *United States Air Force Fiscal Year 2021 Medical Corps Consolidated Special Pay Plan (CSP)*:

- All CSP pay types require a contract to initiate pay.
- Each officer is responsible for requesting/monitoring his/her Medical Special Pays and obligations.
- Contracts may be effective as early as the first day of the month in which the officer signed the contract (no backdating to the previous month or further).

Air Force Instruction (AFI) 36-3203, *Service Retirements*:

1.1.3. Retirement Effective Date. The Air Force can approve a non-disability AD retirement effective date no earlier than the first day of the month after the month in which the member attains basic eligibility as defined in 10 USC Chapter 941.

3.7. General Information on Retirement Prohibitions and Restrictions. A number of conditions can temporarily prohibit, suspend or otherwise restrict processing of applications for AD retirement and applications for transfer to the retired reserve (hereafter **Section 3C** will use “retirement application” to generally refer to both applications for AD retirement and transfer to the retired reserve, unless otherwise specified). **Table 3.1** lists conditions which prohibit initial submission or suspend processing of previously submitted retirement applications. The table explains how the condition prohibits or suspends processing of the retirement action. If the condition in **Table 3.1** ceases to apply, normal processing generally resumes.

Table 3.1. Conditions Prohibiting Initial Submission or Suspending Processing of Previously Submitted Retirement Applications.

	A	B
RULE	If member	then
1.a.	Is under civil or military investigation (See Note 1)	<p>The member is not eligible to apply for voluntary retirement. If an application has already been submitted or a retirement has been approved prior to initiation of an investigation, the member's commander (or RIO Det/CC for IMAs) or the wing's SJA will immediately direct the RAA to place the retirement in suspension. Commanders or SJAs will follow verbal notification with a written request to place an administrative hold flag on the member's retirement under this regulation. (T-0). The RAA will place the member on administrative hold which, if applicable, rescinds the previously published retirement order until the AF completes the investigation and the AF completes all actions resulting from the investigation (Table 3.2).</p> <p>After completing all investigations and all actions resulting from the investigations, the member's commander or the wing's SJA notifies the RAA that all actions are complete and the RAA will return to normal application processing (see Note 4). If, after completing all investigations, the member's commander decides not to take any further actions, the member's commander or the wing's SJA notifies the RAA of the commander's decision and the RAA will return to normal application processing (see Note 4). (T-0).</p>

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the request. Based on analysis of the facts, there is no evidence of an error or injustice as the applicant did not submit a new contract to the Medical Special Pay office to reinstate pay for the requested period. The applicant had a 4-year retention bonus contract that expired in 2021 and she did not complete a new contract to renegotiate or

restart her special pay. Additionally, in accordance with DODI 6000.13, AFI 41-110, and the FY21 MC CSP plans all special pay types require a contract to initiate.

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 2 Oct 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds that the applicant failed to submit a RB contract as required by the *United States Air Force Fiscal Year 2021 Medical Corps Consolidated Special Pay Plan (CSP)*. The applicant asserts that she did not submit an RB contract due to a planned retirement, which she subsequently discovered she was ineligible for pending an IG investigation; however, the Board does not find this an error or injustice. In accordance AFI 36-3203, *Service Retirements*, her voluntary retirement application was properly suspended pending the outcome of an IG investigation. Additionally, while the applicant contends that her situation is due to delays in processing an IG ROI, the Board finds that the applicant ultimately wanted the flexibility to retire and did not provide evidence that she was willing to commit to a service commitment in exchange for a specific military service obligation. As such, the purpose of the RB bonus is to retain medical officers based on their skill set, but without a previously signed contract and a commitment from the applicant, the Board does not find it would be in the interest of justice to approve her request based on delays that would have retained any officer in her situation. 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

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-2023-01521 in Executive Session on 5 Dec 23:

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Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 26 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 13 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 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.

8/13/2025

X Work-Product

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Signed by: Work-Product