



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01039

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her Fiscal Year (FY) 2019 aviation bonus (AvB) in the amount of \$35,000 be corrected to reflect 48 months with an amended end date of 1 Dec 23.

APPLICANT'S CONTENTIONS

Per the approved Exception to Policy (ETP), her FY19 AvB should be amended to extend the tour length of 36 months to 48 months and end date from 1 Dec 22 to 1 Dec 23. She was notified by the Air Reserve Personnel Center (ARPC) that to receive her extended AvB, which was originally approved by ARPC, she must file an appeal with the AFBCMR. She served honorably fulfilling the obligations defined in the contract with the Air Force Reserve (AFR) who also believed she was on a valid contract. She is requesting the AFBCMR take the actions needed to correct her records that will allow the Defense Finance and Accounting Service (DFAS) to process the deserved payment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an AFR lieutenant colonel (O-5).

According to the documents provided by the applicant and ARPC/DPAT:

On 6 Oct 16, [Work-Product] was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 1 Nov 16 and gave her a date of separation (DOS) of 30 Nov 19.

On 25 Nov 19, [Work-Product] was amended to extend the applicant's active duty assignment with a DOS of 31 May 29, unless sooner relieved.

On 2 Dec 19, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY19 and requested a three-year AvB in the amount of \$35,000. On 12 Dec 19, the AvB agreement was approved by ARPC with a start date of 1 Dec 19, but shows an amended agreement length of four years and an end date of 1 Dec 23.

On 30 Jul 20, Special Order [Work-Product] was published and reassigned the applicant to continue serving on extended active duty with a new assignment date of 30 July 20 and a DOS of 30 Apr 25.

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On 26 Sep 22, AFRC/A3 issued a “Blanket Exception to Policy for AvB Extension to Match AGR Order Extension” memorandum. The memorandum served as a blanket Exception to Policy (ETP) approval for any AGR personnel requesting to extend their current three- or four-year AvB agreement by a minimum of 12 months beyond the current AvB agreement expiration date. It further states, members must have AGR tour extension orders in hand at the time of the request.

On 28 Nov 22, Special Order **Work-Product** was amended and reflects a DOS of 30 Sep 24.

According to a printout from the Military Personnel Database System (MilPDS), the applicant’s Point Credit Accounting and Reporting System (PCARS) reflects she was credited with active duty service beginning on Retention and Retirement (R/R) Year 30 May 15 and has remained on active duty through her R/R Year ending on 29 May 23.

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

AIR FORCE EVALUATION

ARPC/DPAT recommends granting the application. The applicant requests she be awarded payment of \$35K for her FY23 AvB agreement for which she was supposed to receive on 1 Dec 23. ARPC/DPATI acknowledges the injustice on behalf of the applicant, who, through her unwavering dedication and service, was eligible for payment under the AvB program. However, due to Air Force errors she did not receive the AvB payments.

The AvB program, designed to retain and recruit fully qualified and experienced aviators for time served in the AFR, was not able to honor several aviators as intended. In Sept 23, DFAS notified ARPC/DPATI they could not make payments under flawed AvB contract extensions that incorporated the terms of an existing contract into a contract for future service. In response, DPATI conducted an internal audit of records for the AFR AvB program. As a result of this audit, DPATI identified multiple aviators who have been adversely affected. These individuals, despite their belief in the validity of their contracts, have experienced denial of payment.

ARPC's audit identified three categories of errors relating to the AvB program, for which DFAS refuses to make AvB payments. These categories are as follows:

1. The aviator attempted to extend/renege an AvB but signed a new contract after the prior contract had expired.
2. The aviator requested an AvB extension under the authority of an ETP from AFRC/A3.
3. ARPC committed administrative errors when reviewing and approving AvB contracts.

Based on ARPC's internal audit and analysis of the facts, there is evidence an error or injustice has occurred. These highly skilled aviators successfully and faithfully executed their assigned duties. They remained qualified for AvB contract extensions, but DFAS denied payment due to ARPC's errors in administering the AvB contract extension process. Granting the AvB payment will ensure both the applicant and the AFR receive what was originally intended: a well-deserved bonus paid to these critically needed aviators for a term of service to which both parties believed they had agreed.

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 Sep 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 ARPC/DPAT and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes in good faith the applicant extended her AGR tour and in exchange for her extended service the Air Force agreed and informed the applicant she would receive a bonus. However, due to procedural and administrative errors with the execution of the AvB program, the applicant has not received the bonus for which she has earned. Furthermore, the Board notes the purpose of the AvB program is to retain our talented and skilled Airmen and denying the applicant a bonus she earned would not only be a detriment to the applicant, but the Air Force as well. 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:

a) The applicant's Fiscal Year (FY) 2019 Aviation Bonus (AvB) be amended to reflect an agreement length of 48 months with effective dates 1 December 2019 through 30 November 2023 and a competent authority approved the agreement at the annual rate of \$35,000.

b) She receive all associated payments not already received based on the amended Aviation Bonus (AvB) agreement.

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-2024-01039 in Executive Session on 8 Oct 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 1 Apr 24.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 20 Aug 24.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Sep 24.

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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.

2/13/2025

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