



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01204

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Fiscal Year (FY) 2022 aviation bonus (AvB) in the amount of \$35,000 in exchange for a one-year service contract be approved.

APPLICANT'S CONTENTIONS

He was a qualified aviator eligible for a \$35,000 AvB bonus for the period of 1 Aug 22 through 31 Jul 23. He was assigned Air Guard Reserve (AGR) orders from 1 Jul 19 through 31 Jul 23 and he received an Exception to Policy (ETP) for AvB Extension to Match AGR Order Extension memorandum which was approved by Air Force Reserve Command (AFRC)/A3. He served honorably fulfilling the obligations defined in the contract with the Air Force Reserve (AFR) who also believed he was on a valid contract. He is requesting the AFBCMR take the actions needed to correct his 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 Air Force Reserve (AFR) major (O-4).

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

On 13 Jun 19, [Work-Product] was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 1 Jul 19 and gave him a date of separation (DOS) of 31 Jul 22.

On 29 Dec 21, [Work-Product] was amended to extend the applicant's active duty assignment with a date of separation (DOS) of 31 Jul 23.

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 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.

According to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was honorably discharged after completing a period of active duty service from 1 Jul 19 through 31 Jul 24. He was credited with five years and one month of net active service.

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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 he be awarded payment of \$35K for his FY22 AvB agreement for which he was supposed to receive on 31 Jul 23.

In the Spring of 2023, the Air Reserve Personnel Center (ARPC) identified a discrepancy related to AvB contract backdating. It was determined by ARPC Legal Counsel that contracts could not be retroactively adjusted for time already served. To address this discrepancy, a solution was proposed to members: aviators should demonstrate their intent by signing contracts on the specific day they intended to receive the incentive. As part of the FY23 approved program guidance, aviators seeking contract extensions were granted the option to renegotiate their existing agreements. This allowed aviators to receive the same rate as their original contracts. Many members chose this option and proceeded to renegotiate their contracts by signing and dating the renegotiated contract after the initial contract had been fulfilled. In September 2023, DFAS began rejecting payments. The reason for the rejections was the option to renegotiate contracts was not available until FY23. DFAS would not see the renegotiated contracts until calendar year 2024 or later for members who had elected this option. Consequently, numerous aviators did not receive the expected installments, despite their understanding and the Air Force's understanding they were actively under contract.

Under the authority of an ETP from AFRC/A3 members requested and agreed to an AvB extension; ARPC reviewed AvB contracts for continued eligibility and altered the dates on the existing AvB contract to match the dates requested by the applying member. These modifications were documented and submitted on the date of the aviators' anniversary. Members were incorrectly told ARPC could effectuate an extension by simply inserting a new completion date on the original contract. As a result, no new agreement extending the terms of the AvB contract or identifying the rate of compensation was signed by the applicant.

Based on ARPC's internal audit and analysis of the facts, there is evidence an error or injustice has occurred. The applicant successfully executed his assigned duties and 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 20 Jun 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 that in good faith the applicant extended his AGR tour by an additional one-year and in exchange for his extended service the Air Force agreed and informed the applicant he 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 he 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 he 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 49 months with effective dates 1 July 2019 through 31 July 2023 and a competent authority approved the agreement at the annual rate of \$35,000.
- b) He 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-2024-01204 in Executive Session on 24 Sep 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 27 Mar 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 11 Jun 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 Jun 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.

2/13/2025

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