



Work-Product

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01260

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Fiscal Year (FY) 2022 aviation bonus (AvB) extension at the rate of \$35,000 be approved.

APPLICANT'S CONTENTIONS

He was notified by the Air Reserve Personnel Center (ARPC) that in order to receive his AvB bonus for which he thought was approved, he must file an appeal with the AFBCMR. He received an Exception to Policy (ETP) approval from AFRC/A3 to extend his AvB that originally commenced on 24 Sep 18. As such, he signed an FY 2022 AvB extension and ARPC confirmed he met all the requirements of the 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 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 Air Reserve Personnel Center (ARPC)/DPAT:

On 12 Sep 18, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY18 and requested a three-year AvB at the annual rate of \$35,000. On 9 Oct 18, the AvB agreement was approved by ARPC with a start date of 24 Sep 18 and an end date of 24 Sep 21.

On 6 Aug 18, Special Order **Work-Product** was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 24 Sep 18 and gave him a date of separation (DOS) of 30 Sep 21.

On 8 Mar 21, amendment to Special Order **Work-Product** was published shows a new DOS of 17 Mar 21.

On 25 May 21, a "Request for Exception to Policy for AFR AvB Extension" memorandum shows the applicant requested an ETP to extend his \$35,000 AvB to the end of his current set of AGR orders. On 26 May 21, AFRC/A3 approved the ETP.

On 3 Aug 21, AFRC approved an amended version of the applicant's FY18 "Aviation Bonus (AvB) Program Agreement" based on the approval of the ETP. The amended FY18 AvB

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authorized a four-year agreement length in the annual amount of \$35,000 with start and end dates of 24 Sep 18 through 24 Sep 22.

On 28 Dec 21, amendment to Special Order **Work-Product** was published and reassigned the applicant to continue serving on extended active duty with a new DOS of 30 Sep 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.

On 13 Jan 23, Special Order **Work-Product** was amended and reflects a DOS of 30 Sep 24.

On 13 Jul 23, the applicant signed "Air Force Reserve Aviation Bonus (AvB) Renegotiation Agreement" requesting his FY18 AvB be extended an additional 12 months with a new end date of 23 Sep 23.

According to a printout from the Military Personnel Database System (MilPDS), the applicant's Point Credit Accounting and Reporting System (PCARS) reflects he was credited with active duty service beginning on Retention and Retirement (R/R) Year 25 Jan 18 and has remained on active duty through R/R Year ending on 24 Jan 24.

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 23 Sep 23. ARPC/DPATI acknowledges the injustice on behalf of the applicant, who, through his unwavering dedication and service, were eligible for payment under the AvB program. However, due to Air Force errors he 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 Sep 23, the Defense Finance and Accounting Service (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 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 31 Jul 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 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.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

a) The applicant's Fiscal Year 2018 (FY) Aviation Bonus (AvB) be amended to reflect an agreement length of 60 months with effective dates 24 September 2018 through 23 September 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-2024-01260 in Executive Session on 8 Oct 24:

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, Panel Chair

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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 3 Apr 24.

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

Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 15 Jul 24.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 Jul 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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