



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01328

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His Fiscal Year (FY) 2019 Aviation Bonus (AvB) extension with an agreement length of 12 additional months at the annual 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 he must file an appeal to the AFBCMR. He was a qualified aviator eligible for the AvB from the period of 26 Aug 22 through 26 Aug 23. 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 requests 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) retired lieutenant colonel (O-5).

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

On 8 Jul 19, Special Order **Work-Product** was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 12 Aug 19 and gave him a date of separation (DOS) of 31 Aug 22.

On 4 Sep 19, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY19 and requested a 36-month AvB in the annual amount of \$35,000. On 16 Sep 19, the AvB agreement was approved by ARPC with a start date of 26 Aug 19 and an end date of 26 Aug 22.

On 31 Aug 21, an amendment to Special Order **Work-Product** was published and extended the applicant's DOS to 31 Aug 24, unless sooner relieved.

On 23 Aug 22, ARPC approved an amended "Aviation Bonus (AvB) Program Agreement" and changed the agreement length to 48 months with a new end date of 26 Aug 23.

On 26 Sep 22, AFRC/A3 issued a "Blanket Exception to Policy (ETP) 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.

AFBCMR Docket Number BC-2024-01328

Work-Product

Work-Product

According to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged after completing a period of active duty service from 12 Aug 19 through 31 Jan 24. He was credited with 4 years, 5 months, and 19 days of net active service.

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 the extension of his FY19 AvB agreement for which he was supposed to receive on 26 Aug 23. ARPC/DPATI acknowledges the injustice on behalf of the applicant, who, through his unwavering dedication and service, was 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, 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 28 Oct 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 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 48 months with effective dates 26 August 2019 through 26 August 2023 and a competent authority approved the agreement at the annual rate of \$35,000.

b) He receives 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-2024-01328 in Executive Session on 10 Dec 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 8 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 17 Oct 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 28 Oct 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.

3/17/2025

Work-Product