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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01456

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Reserve Aviation Bonus (AvB) with an agreement length of 17 months for an annual rate (prorated by month) of \$35,000 be approved.

APPLICANT'S CONTENTIONS

From 3 May 20 until 3 May 22, he was contracted under the Fiscal Year (FY) 20 Air Guard Reserve (AGR) AvB to receive \$35,000 per year for a period of 24 months. On 19 Dec 22, he applied for a contract under the FY22 AGR AvB to receive \$25,000 per year for a period of 12 months from 4 May 22 to 4 May 23. However, the Air Reserve Personnel Center (ARPC) Special Pay and Incentives Branch (HQ ARPC/DPATI) offered instead to extend his existing FY20 AvB until 3 May 23 at an amount of \$35,000 per year. In Jan 23, ARPC/DPATI informed him that A3 had approved this extension as an Exception to Policy (ETP) and provided him an amended contract. From Mar to Jun 23, ARPC/DPATI informed him there would be an additional requirement for a Renegotiation Contract to approve this bonus extension. He was finally provided this contract in Jun 23. He requested to sign this renegotiation contract to receive a bonus for a total of 17 months and on 20 Jul 23 ARPC/DPATI approved the contract.

He served in accordance with the requirements of the FY20 AGR AvB from 3 May 20 until 3 Oct 23. His decision to continue serving as an AGR member until 15 Oct 23 was based largely on his knowledge that this bonus would be paid by the Defense Finance and Accounting Service (DFAS) as contractually required. Non-payment of this bonus constitutes a failure of DFAS to honor a contractual agreement existing between him and the Air Force Reserve (AFR).

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 1 Apr 20, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY20 and requested a 24-month AvB at the annual rate of \$35,000. On 14 Apr 20, the AvB agreement was approved by ARPC with a start date of 3 May 20 but shows an amended agreement length of 36 months and an end date of 3 May 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

AFBCMR Docket Number BC-2024-01456

Work-Product

Work-Product

minimum of 12 months beyond the current AvB agreement expiration date. It further states that members must have AGR tour extension orders in hand at the time of the request.

On 30 Jun 23, the applicant signed "Air Force Reserve Aviation Bonus (AvB) Renegotiation Agreement" requesting his FY20 AvB be extended an additional 17 months at an annual rate of \$35,000 and a new end date of 3 Oct 23. On 20 Jul 23, ARPC approved the contract.

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 2 May 19 through 15 Oct 23. He was credited with 4 years, 5 months and 14 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 his FY23 AvB agreement for which he was supposed to receive on 3 May 23, and a subsequent pro-rated payment for \$14,583.33 on 3 Oct 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 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), and the applicant replied on 20 Sep 24. In his response, the applicant concurred with the ARPC/DPAT's recommendation to approve his request.

The applicant's complete response is at Exhibit E.

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.
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 (FY) 2020 Aviation Bonus (AvB) be amended to reflect an agreement length of 41 months with effective dates 3 May 2020 through 2 October 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-2024-01456 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 17 Apr 24.

AFBCMR Docket Number BC-2024-01456

Work-Product

Work-Product

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.

Exhibit E: Applicant's response, dated 20 Sep 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

Work-Product

AFBCMR Docket Number BC-2024-01456

Work-Product