



Work-P... Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01538

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His Reserve Aviation Bonus (AvB) with an agreement length of 15 months for an annual rate (prorated by month) of \$35,000 be approved.

### APPLICANT'S CONTENTIONS

He was in an AvB contract from 17 Aug 20 through 17 Aug 23. On 4 Aug 23 he officially submitted a signed contract, requesting to extend his AvB contract by 15 months at the existing rate in accordance with the Fiscal Year (FY) 23 AvB Policy. In Sep 23, the Air Reserve Personnel Center (ARPC) replied to his AvB contract extension submission in myFSS and informed him that he needed to re-submit his contract on a different form. On 14 Sep 23, he resubmitted his signed contract on the requested form and that contract was approved by ARPC on 21 Sep 23. His original contract signature and submission occurred before his previous AvB contract expiration, and all parties agree the intent of the FY23 AvB Policy was met. 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 his payment.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

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

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 14 Dec 22, Special Order Work-Product was published and states the applicant was currently serving on extended active duty until 31 Dec 22 but reassigned the applicant to continue his active duty in accordance with 10 USC 10211 effective 1 Jan 23. He was further given a new date of separation (DOS) of 31 Jan 26.

On 12 Sep 23, the applicant signed "Air Force Reserve Aviation Bonus (AvB) Renegotiation Agreement" requesting his FY20 AvB be extended an additional 15 months with a new end date of 24 Nov 24.

**AFBCMR Docket Number BC-2024-01538**

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

According to a printout from the Military Personnel Data 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 15 Dec 20 and has remained on active duty through his most recent R/R Year ending on 14 Dec 23.

On 18 Jan 24, Special Order Number **Work-Product** was published to relieve the applicant from active duty for the purpose of retirement effective 1 Dec 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 his records be corrected to reflect his eligibility for the AvB from 18 Aug 23 through 17 Nov 24. The applicant's current Fiscal Year 2023 (FY23) AvB Renegotiation contract indicates a signature date of 12 Sep 23, which is later than the original signature, and submission dates of 2 Aug 23 and 4 Aug 23, respectively. However, 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 Sept 23, the 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 31 Jul 24 for comment (Exhibit D), and the applicant replied on 1 Aug 24. In his response, the applicant concurs with ARPC's

recommendation; however, wanted to highlight the error or injustice in his case is that he extended his existing contract despite not signing and submitting the application before the previous contract expired. In this regard, he did sign and submit a FY23 AvB contract requesting extension of his FY20 AvB contract before his FY20 contract expired. However, in Sep 23, ARPC responded to his application submission requesting he submit his request to extend his contract on a “renegotiation” application. In complying with their request, the signature on the renegotiation application was, in fact, dated after his FY20 contract had expired. It is upon that application and its associated signature date that DFAS is basing the payment denial. A reasonable evaluation of circumstances would conclude the originally signed FY23 AvB application, having been submitted before the expiration of his FY20 AvB contract, is sufficient to interpret as having met the required timeline – as both parties bound by the contract agree (i.e. ARPC and the Airman).

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 that 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 2020 Aviation Bonus (AvB) be amended to reflect an agreement length of 51 months with effective dates 17 August 2020 through 17 November 2024 and 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-2024-01538 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 30 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 8 Jul 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 Jul 24.
- Exhibit E: Applicant's response, dated 1 Aug 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.

10/28/2024

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