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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01595

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

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 19 Oct 22 through 19 Oct 24. 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 AFR major (O-4).

According to the documents provided by the applicant and Air Reserve Personnel Center (ARPC)/DPAT:

On 30 Sep 19, [Work-Product] was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 19 Oct 19 and gave him a date of separation (DOS) of 31 Oct 23.

On 1 Nov 19, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY19 and requested a three-year AvB in the amount of \$35,000. On 19 Nov 19, the AvB agreement was approved by ARPC with a start date of 19 Oct 19 through 19 Oct 22. However, an amended version shows a length of 60 months and an end date of 19 Oct 24.

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 an undated amendment of [Work-Product] the applicant's orders were amended to extend his active duty assignment with a DOS of 16 Jan 24.

AFBCMR Docket Number BC-2024-01595

Work-Product

Work-Product

On 16 Jan 24, [REDACTED] was published and reassigned the applicant from his current active duty assignment on 17 Jan 24 and gave him a new DOS of 31 Jan 27.

According to a report from the Military Personnel Data System (MilPDS), the applicant's Point Credit Accounting and Reporting System (PCARS) report shows the applicant has been on active duty since 19 Oct 19 and at the end of his recent Retirement/Retention (R/R) year ending 14 May 24 continued to serve on active duty.

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 19 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 Air Force Reserve (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 10 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 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 that 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) 2019 Aviation Bonus (AvB) be amended to reflect an agreement length of 60 months with effective dates 19 October 2019 through 18 October 2024 and a competent authority approved the agreement at the annual rate of \$35,000.
- b) He receives all associated payments not already received with the amended Aviation Bonus 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-2024-01595 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 6 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 10 Jul 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 17 Jul 24.

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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.

3/5/2025

Work-Product

AFBCMR Docket Number BC-2024-01595

Work-Product