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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02558

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His Fiscal Year (FY) 2020 Aviation Bonus (AvB) extension with an agreement length of 24 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 is a qualified aviator eligible for the AvB from the period of 24 May 23 through 23 May 25. He extended his Air Guard Reserve (AGR) orders for two years and renegotiated his contract to run concurrently with the orders. 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 Defense Finance and Accounting Service (DFAS) to process payment deserved.

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 6 Apr 20, [Work-Product] was published and ordered the applicant to extended active duty in accordance with 10 USC 12310 effective 23 May 20 and gave him a date of separation (DOS) of 31 May 23.

On 18 Apr 20, the applicant signed an "Aviation Bonus (AvB) Program Agreement" for FY20 and requested a 36-month AvB in the annual amount of \$35,000. On 11 Jun 20, the AvB agreement was approved by ARPC with a start date of 23 May 20 and an end date of 23 May 23.

On 7 Feb 23, [Work-Product] was amended to extend the applicant's active duty assignment with a DOS of 31 May 25.

On 27 Jun 23, the applicant signed "Air Force Reserve Aviation Bonus (AvB) Renegotiation Agreement" requesting his FY20 AvB be extended an additional 24 months with a new end date of 23 May 25.

According to a printout from the Military Personnel Data System (MilPDS), the applicant's Point Credit Accounting and Reporting System (PCARS) report reflects he was credited with active duty

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service beginning on Retention and Retirement (R/R) Year 23 May 20 and has remained on active duty through his current R/R Year.

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 AvB agreement for which he was supposed to receive on 24 May 24. 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, 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 Sep 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) 2020 Aviation Bonus (AvB) be amended to reflect an agreement length of 60 months with effective dates 23 May 2020 through 22 May 2025 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-2024-02558 in Executive Session on 8 Oct 24:

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All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 18 Jul 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 26 Aug 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 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.

3/26/2025

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