

d. On 24 June 2019, Headquarters, 63rd Readiness Division issued Orders Number 19-175-00015 reassigning the applicant to the 75th Training Command Headquarters Administrative Detachment, effective 3 July 2019.

e. On 10 October 2019, Headquarters 75th Training Command issued Orders Number 19-283-00010 reassigning the applicant to the USAR Innovation Command, effective 1 October 2019.

f. On 18 April 2023, the U.S. Army Human Resources Command (AHRC) issued Orders Number 108-0006 authorizing the applicant to begin receiving entitlement to AvIP, effective 14 October 2023.

g. On 11 November 2023, the Department of the Army issued Orders Number 6535120 announcing the applicant's promotion to the rank/grade of major (MAJ)/O-4, effective 13 October 2023. This order was later amended to reflect an effective date of 11 September 2023.

4. The applicant provides Orders Number 10-0003 dated 10 January 2023 reflective of him being awarded the Senior Army Aviator Badge, effective 21 October 2022.

5. The AHRC, Chief, Incentive Branch provided an advisory opinion noting that in accordance with Army Regulation (AR) 600-105 (Aviation Service of Rated Army Officers), Paragraph 3-1b, an Army aviator who remains part of the rated inventory in accordance with paragraph 2-7a is eligible for career AvIP through their first 12 years of aviation service. The applicant met all requirements to be part of the Army's rated inventory since he began flight school in October 2011. Therefore, he remains eligible for career AvIP. The AHRC, Incentive Pay Branch does not have the ability to make the finance adjustments to ensure the applicant receives his proper entitlements. However, there has been communication with the 244th Expeditionary Combat Aviation Brigade, and the Fort McCoy Finance office to advise on the proper way to ensure the applicant is paid correctly.

6. On 30 October 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 2 January 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and

regulation. Upon review of the applicant's petition, available military records and U.S. Army Human Resources Command (AHRC) - Incentive Branch advisory opinion, the Board concurred with the advising official finding the applicant met all requirements to be part of the Army's rated inventory since he began flight school in October 2011. Therefore, he remains eligible for career Aviation Incentive Pay (AvIP). The Board determined based on the opine and evidence in the applicant's record there is sufficient documentation to grant relief to show the applicant is entitlement to Career Aviation Incentive Pay (AvIP) effective September 2019 to present.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all records of the individual concerned be corrected to show the applicant is entitlement to Career Aviation Incentive Pay (AvIP) effective September 2019 to present.

2/18/2024

X █

 CHAIRPERSON
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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. AR 600-105 (Aviation Service of Rated Army Officers), Chapter 3 (Aviation Incentive Pay for Rated Officers) provides that Aviation Incentive Pay is intended to extend the aviation careers of Aviation Officers and is not "flight pay" or "Hazardous Duty Incentive Pay." Officers eligible for career aviation incentive pay or conditional aviation incentive pay include those who-

a. Are entitled to basic pay pursuant to 37 USC 204, or compensation pursuant to 37 USC 206.

b. Maintain, or are in training to receive, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty (OFD) or proficiency flying duty (PFD).

c. Engage in, or are in training to receive, frequent, and regular performance of OFD or PFD.

d. Engage in or remain in aviation service for a specified period of time.

e. Achieve the minimum flight requirements of 4 hours during 1 calendar month or 24 hours during 6 consecutive months

Paragraph 3-1b (Career Aviation Incentive Pay) provides that Army aviators who remain part of the rated inventory in accordance with paragraph 2-7 (Rated Inventory) are eligible for career AvIP through first 12 years of aviation service. After the 12th year of aviation, service aviators who meet the gate criteria listed in table 3-1 will remain eligible for career AvIP, if they remain assigned to one or more of the following categories –

(1) Aviation specific positions that must be filled by officers with an aeronautical rating.

(2) Joint assignment or position on the Joint Duty Assignment List.

(3) Attending resident professional military education (including any captain's career course and resident intermediate level education or a fully funded graduate degree program authorized by the SECARMY.

(4) Other career-enhancing assignments outside of aviation or based on the needs of the Army

//NOTHING FOLLOWS//