

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230015263

APPLICANT REQUESTS: entitlement to Cyber Assignment Incentive Pay (CAIP) effective 10 December 2021 at the Tier III rate of \$250.00 per month for 24 months.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current Fiscal Year (FY), 26 July 2023
- DA Form 4187 (Personnel Action), 7 July 2023
- Certificate of Training, 10 December 2021
- Defense Finance and Accounting Service (DFAS) web information
- Email communication
- Digital Privacy Release Form
- Orders Number 307-0001, 3 November 2023
- Certification of Birth

FACTS:

1. The applicant states in pertinent part that he completed the Job Qualification Requirement (JQR) as a Target Analyst Reporter on 10 December 2021. Upon his training completion, he notified his CAIP Manager and requested CAIP at the basic level. In response, the CAIP manager advised him that he was ineligible for CAIP at the Tier III level (\$250.00); instead based on his work role, he was only eligible at the basic level (Tier I). He contests that this information was incorrect. Implementation of FY 2022 CAIP was in effect which authorized payment of \$250.00 per month at the Tier III level. In July 2023, new CAIP managers conducted training which later revealed that he was not at fault for the misinformation provided previously by the CAIP Manager wherein he was advised that he was ineligible for CAIP at a Tier III level effective 10 December 2021. To ensure that this does not happen again, CAIP managers have initiated periodic CAIP training for Soldiers which covers eligibility requirements, processes, and responsibilities. This training informs Soldiers of the CAIP program possibilities as well as provides assistance with determining the status of Soldiers current CAIP contracts. Therefore, he is requesting a total CAIP amount of \$6,000.00 (\$250.00 per month x 24

months). As of 7 July 2023, the back pay amount requested would be \$4,500.00 from the effective date of 10 December 2021.

2. A review of the applicant's available service records reflects the following:

a. On 4 March 2014, the applicant enlisted in the Regular Army for 6 years with duty as a 35P (Cryptologic Linguist). On 15 March 2019, the applicant reenlisted for 5 years and on 1 July 2019, he was promoted to sergeant (SGT)/E-5.

b. On 8 March 2021, Headquarters, U.S. Army Cyber Center of Excellence issued Orders Number 067-414 reassigning the applicant to the 101st Combat Mission Team as a 35P, effective 10 July 2021 and on 1 June 2022, the applicant was promoted to staff sergeant (SSG)/E-6.

c. On 18 September 2023, the U.S. Army Human Resources Command issued Orders Number 6026380 authorizing Special Duty Assignment Pay (SDAP) – Cyber Warrior at the Cyber Command Basic Level (\$150.00) per month, effective 1 October 2022 – 13 March 2024.

d. On 27 February 2024, Orders Number 6026380 were amended by Orders Number 6026380.01 reflecting a change in the thru date from 13 March 2024 to now reflect 29 February 2024.

e. On 3 November 2023, Headquarters, U.S. Army Garrison issued Orders Number 307-0001 reassigning the applicant to the U.S. Army transition point pending transition processing, effective 14 March 2024.

f. On 14 March 2024, the applicant was honorably discharged from active duty.

3. The applicant provides the following a:

a. Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current FY dated 26 July 2023, reflective of the applicant's submitted request for approval for FY22 CAIP effective 10 December 2021 at the Tier III rate of \$250.00 per month.

b. DA Form 4187 dated 7 July 2023, reflective of the applicant's acknowledgment and understanding of the service requirements associated with his assignment as a Target Analyst Reporter. The applicant agreed to accept CAIP at a rate of \$250.00 per month for 24 months (Tier III), effective 10 December 2021.

c. Certificate of Training dated 10 December 2021, reflective of the applicant's successful completion of the Target Analyst Reporter, Basic Proficiency training.

d. DFAS web information, reflective of the introduction/chapter description and authority dates of items listed in the Department of Defense Financial Management Regulation Volume 7A. Chapter 8 pertains to SDAP.

e. Email communication reflective of communication concerning CAIP. The applicant amongst others were redirected to this Board to request an exception to policy.

f. Digital Privacy Release Form, reflective of the applicant's submitted request for assistance through his congressional representative.

g. Certification of Birth, reflective of the applicant being born on 10 December 1985.

4. On 1 July 2024, the Department of Army, Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion recommending disapproval of the applicant's request noting that in accordance with Army Regulation (AR) 637-1 (Army Compensation and Entitlements policy), paragraph 9-3 (c) Soldiers were precluded from receiving multiple assignment and special duty pays for the same purpose and period. The applicant's receipt of AIP would violate Army policy.

5. On 3 July 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 26 August 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he was entitled to Cyber Assignment Incentive Pay (CAIP) effective 10 December 2021 at the Tier III rate of \$250.00 per month for 24 months. He is requesting CAIP as a Target Analyst Reporter, effective 10 December 2021 at a Tier 3 rate of \$250.00 per month. He was assigned to Fort Meade on or about 10 July 2021 and assigned as a 35P2L (Cryptologic Linguist). He was being paid SDAP Rate 2 (\$150.00), effective 1 October 2022 as a Cryptologic Linguist. Both the DOD FMR and AR 637-1 do not allow for payment of SDAP and AIP for the same period of time. The Board reviewed and agreed with the G-1 advisory officials' determination that by regulation Soldiers were precluded from receiving multiple assignment and special duty pays for the same purpose and period. The applicant's receipt of AIP would violate Army policy. Therefore, the Board determined relief is not warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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. AR 637-1 (Army Compensation and Entitlements Policy), 26 July 2021, Chapter 9 (Assignment and Special Duty Pays) provides that assignment and special duty pays are awarded for the performance of duty in an assignment, location, or unit designated and under the conditions of service specified by the SECARMY. Assignment and special duty pays will be paid in addition to any other pay and allowance to which the Soldier is entitled. Orders will be issued to award, change, terminate, and reinstate assignment and special duty pays. The request for orders must include the level/amount of assignment and special duty pay authorized. Soldiers may receive multiple assignment and special duty pays; however, Soldiers will not receive multiple assignment and special duty pays for the same purpose and period of service and the combination of all assignment and special duty pays.

a. Paragraph 9-6 (Assignment Incentive Pay (AIP)) provides that AIP is designed to encourage Soldiers to volunteer for difficult-to-fill or less desirable assignments, locations, or units designated by, and under the conditions of service specified by the ASA. The servicing personnel office will issue orders to justify the payment of AIP. Soldiers may receive multiple AIP payments; however, Soldiers will not receive multiple AIPs for the same purpose and period of service and the combination of AIP payments will not exceed a monthly average of \$1,500. AIP programs will be effective on the date of approval. Retroactive AIP program starts are not authorized.

b. Paragraph 9-7 (Special Duty Assignment Pay) provides that SDAP is designed to encourage Soldiers to recognize Soldiers assigned to duties determined to be extremely demanding, require a greater than normal degree of responsibility or difficulty, or require special qualification. The servicing personnel office will issue orders to justify the payment of SDAP. The following monthly SDAP rates are authorized for approved special duty assignments:

- SD1: \$75.00
- SD2: \$150.00
- SD3: \$225.00
- SD4: \$300.00
- SD5: \$375.00
- SD6: \$450.00

2. Department of Defense Financial Management Regulation 7000.14R, Volume 7A provides that Enlisted Soldiers, Warrant Officers, and Commissioned Officers must be fully trained and certified in a U.S. Cyber Command or ARCYBER work role. Soldiers must:

- have completed the appropriate training and have been awarded the appropriate certifications located inside the Cyber Mission Force (CMF)
- enter into a written agreement to serve 1 to 3 years in an ARCYBER approved billet. The written agreement will specify the period for which the AIP will be paid and the amount of the monthly rate of the AIP

The maximum monthly rate payable to any Soldiers serving as at the Basic Level under the ARCYBER AIP program will start at \$200.00 and will not exceed \$1,000.00; Senior level will start at \$300.00 and will not exceed \$1,250.00; Master level will start at \$500.00 and will not exceed \$1,500.00.

//NOTHING FOLLOWS//