

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 October 2024

DOCKET NUMBER: AR20240001440

APPLICANT REQUESTS: amendment to his Cyber Assignment Incentive Pay (CAIP) contract to reflect 36-months.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action), 31 August 2023
- DA Form 4187, 13 April 2023
- DA Form 4187, 24 May 2022
- Memorandum – Subject: Implementation Guidance for Fiscal Year 2023 (FY23) CAIP Program, 17 November 2022
- Memorandum – Subject: Implementation Guidance for FY 2022 (FY22) CAIP Program, 4 November 2021

FACTS:

1. The applicant states in pertinent part that he submitted a DA Form 4187 to start receiving CAIP under the FY22 guidance as a Master Remote Operator (\$1500/per month for 12 months). That contract ended in June 2023. In February 2023, he submitted a 2-year extension to receive CAIP based on the FY22 guidance. The submitted packet included a DA Form 4187 requesting that the previous contract be terminated, and the subsequent extension be implemented for the remaining 24 months. The packet was later denied by the Army Cyber (ARCYBER) Command noting that he needed to request an Exception to Policy (ETP) in order to receive CAIP based upon the FY22 guidance. This course of action was later changed, however his packet remained at ARCYBER for several months until it was rejected again in November 2023, again noting the requirement for an ETP. ARCYBER also advised that they would not consider any additional requests for an ETP until the FY24 guidance was released. He argues the FY24 guidance has still not been released. Since ARCYBER failed to action his request, he incurred a debt of \$10,500.00 because he continued to receive CAIP despite requesting for the termination of payment. The debt has placed a significant financial burden on both he and his family. He notes that in accordance with the FY22 guidance for CAIP, he qualified for a 36-month contract when he applied for it.

He continues to maintain a qualifying work role for this entitlement. Amending his initial contract will result in his continued receipt of CAIP until June 2025.

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

- a. On 11 September 2012, the applicant enlisted in the Regular Army for 4 years with duty as a 35Q (Cryptologic Cyberspace Intelligence Collector/Analyst).
- b. On 26 August 2014, Headquarters, U.S. Army Cyber Center of Excellence issued Orders Number 238-302 announcing award of the 35Q military occupational specialty with the "E4" additional skill identifier.
- c. On 2 August 2016, Headquarters, U.S. Army Cyber Center of Excellence issued Orders Number 215-402 reassigning the applicant to the 780th Military Intelligence Brigade, effective 10 September 2016.
- d. On 18 March 2020, the applicant was appointed a Reserve commission as a Warrant Officer.
- e. On 25 February 2022, Headquarters, U.S. Army Human Resources Command issued Orders Number 056-015 announcing the applicant's promotion to chief warrant officer two (CW2)/WO2, effective 18 March 2022.
- f. On 5 July 2023, the Department of the Army issued Orders Number 5260943 reassigning the applicant to the 101st Combat Mission Team (CMT) as a Cyber Warfare Technician, effective 5 July 2023. Orders Number 3240153.01 were also issued on the same day reassigning the applicant to the 100th CMT as a Cyber Operations Technician, effective 25 January 2022.
- g. On 10 August 2023, the Department of the Army issued Orders Number 5271135.01 amending Orders Number 5271135 to reflect assignment to the 781st Military Intelligence Battalion as a Cyber Warfare Technician, effective 6 July 2023.
- h. On 21 September 2023, the Department of the Army issued Orders Number 5651358.01 amending Orders Number 5651358 to reflect assignment to the 100 CMT as a Cyber Operations Technician, effective 10 August 2023.
- i. On 28 March 2024, the Department of the Army issued Orders Number 6064983.01 amending Orders Number 6064983 to reflects assignment to the 781st Military Intelligence Battalion as a Cyber Warfare Technician, effective 11 August 2023.

3. The applicant provides:

- a. DA Form 4187 dated 31 August 2023, reflective of the applicant's approved request for the termination of his CAIP contract in the amount of \$1,500.00 (8 March 2022) effective 7 March 2023. The applicant notes that the termination is due to his recertification.
- b. DA Form 4187 dated 13 April 2023, reflective of the applicant's commander's recommendation for approval of the applicant's request for entitlement to CAIP at a rate of \$1,500.00 per month (24 months) for Tier 1, effective 8 March 2023 with a termination date of 6 March 2025. The applicant is currently assigned in a Master Remote Operator work role.
- c. DA Form 4187 dated 24 May 2022, reflective of the applicant's commander's recommendation for approval of the applicant's request for entitlement to CAIP at a rate of \$1,500.00 per month (12 months) for Tier 1. The applicant is currently assigned in a Remote Operator work role.
- d. Memorandum – Subject: Implementation Guidance for FY23 CAIP Program, dated 17 November 2022, reflective of the written agreement for implementing the CAIP Program. This document further provides the specific units and mission elements that fall under the CAIP. Eligible Soldiers must enter into a written agreement (DA Form 4187) to serve 1, 2, or 3 years in an approver work role. Paragraph 8 provides that CAIP distribution will be awarded based on Tier criteria with Warrant Officers assigned and qualified in Cyberspace Operator work roles as Tier 1 with master level proficiency being authorized CAIP at a rate of \$1,500.00. Renewal and ETP request will be prepared 90 days prior to their expiration. ETPs may only go back 1-FY from the start date of the new FY for consideration by Headquarters Department of the Army. A Soldiers failure to start, renew prior to expiration is not justification for an ETP.
- e. Memorandum – Subject: Implementation Guidance for FY22 CAIP Program, dated 4 November 2021, reflective of the written agreement for implementing the CAIP Program. This document further provides the specific units and mission elements that fall under the CAIP. Eligible Soldiers must enter into a written agreement (DA Form 4187) to serve 1, 2, or 3 years in an approver work role. Paragraph 6 provides that CAIP distribution will be awarded based on Tier criteria. Paragraph 7 provides that Warrant Officers assigned and qualified in Remote Operator work roles is authorized Tier 1. Renewal and ETP request will be prepared 90 days prior to their expiration. Retroactive payment of the FY21 CAIP must be justified. A Soldiers failure to start, renew prior to expiration is not justification for an ETP.

4. On 14 August 2024, the Department of the Army Office of the Deputy Chief of Staff, G-1 Program Analyst, Compensation and Entitlements, provided an advisory opinion recommending disapproval of the applicant's request noting that ARCYBER Command advised that the work role of Remote Operator ended on 30 September 2021. The work

role was removed because the requirements for this work role no longer meet the training requirements for the program and at the pay level; therefore, the applicant is not eligible to be paid the CAIP.

5. On 14 August 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. On 28 August 2024, the applicant responded noting that the Remote Operator work role was authorized through 30 September 2022 according to FY22 ARCYBER CAIP Guidance. The Remote Operator work role was authorized during FY21 and FY22, and then removed in FY23. The applicant certified as a Master Remote Operator on 6 March 2022 and his DA Form 4187 provides an expiration date of 8 March 2025. He further notes that the training requirements continued, and he remained qualified for the work role of Remote Operator during FY22, which is why ARCYBER adjudicated his application and approved for his receipt of CAIP at the amount of \$1,500.00 per month in May 2022. In support of his contention, the applicant provides the following:

a. Memorandum – Subject: Approved Cyber Assignment Incentive Pay (CAIP) for Army Cyber Workforce, reflective of 12 Soldiers (including the applicant) being approved for CAIP based on the FY22 guidance; 12 months agreement.

b. Memorandum – Subject: Implementation Guidance for the FY21 CAIP, dated 29 September 2020, reflective of the written agreement for implementing the CAIP Program. This document further provides the specific units and mission elements that fall under the CAIP. Eligible Soldiers must enter into a written agreement (DA Form 4187) to serve 1, 2, or 3 years in an approver work role. Paragraph 6 provides that CAIP distribution will be awarded based on Tier criteria with Warrant Officers assigned and qualified in Remote Operator work roles as Tier 1. Renewal and ETP request will be prepared 90 days prior to their expiration. Retroactive payment of the FY21 CAIP must be justified. A Soldiers failure to start, renew prior to expiration is not justification for an ETP.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted.

2. The Board carefully considered the applicant's request, his record of service, his certifications, previous approval documentation and the ARCYBER documents pertaining to CAIP and an Exception to Policy. The Board considered the review and conclusions of the G1 Advisory opinion to deny the request and the applicant's response. The Board also considered the two DA Forms 4187 where the applicant's commander approved termination (7 March 2023) and recommended approval of Tier 1

CAIP effective 8 March 2023 with a termination date of 6 March 2025. The Board determined that the collection of the payments received by the applicant was unjust. Further, the Board determined by a preponderance of evidence, that the applicant should be entitled to Master Remote Operator CAIP in accordance with published guidance.

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 Department of the Army records of the individual concerned be corrected by:

- showing the applicant timely contracted for Remote Operator CAIP for the period 8 March 2022 to 6 March 2025;
- showing the applicant was entitled to receive Tier 1 CAIP (\$1500/mo) for the period above, and;
- paying the applicant CAIP in accordance with ARCYBER CAIP Guidance less any money already received.

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. Department of Defense (DOD) 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
 - enter into a written agreement to serve 1 to 3 years in an ARCYBER approved billet and the written agreement will specify the period for which the AIP will be paid and the amount of the monthly rate of the AIP
 - a. The maximum monthly rate payable to any Soldiers serving 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.
 - b. Termination - unless reauthorized by Congress, AIP may not be paid after the date listed on the Duration of Authority table, unless the AIP agreement was entered into prior to the date on the table.
2. Department of Defense (DOD) Instruction 1340.26 (Assignment and Special Duty Pays) provides that the DoD may give assignment and special duty pays to eligible Active/Regular and Reserve Component Service members in accordance with Section 352 of Title 37, United States Code, the guidance prescribed in this issuance, and regulations published by the Secretary of the Military Department concerned. These pays are awarded for the performance of duty in an assignment, location, or unit designated and under the conditions of service specified by the Secretary of the Military Department concerned. The Secretary of the Military Department concerned may require a Service member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment pay or special duty pay on a monthly basis. If used, the written agreement will specify the period for which the assignment pay or special duty pay will be paid and the monthly rate of the assignment pay or special duty pay.

//NOTHING FOLLOWS//