

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240001444

APPLICANT REQUESTS: Exception to Policy (ETP) for payment of the Cyber Assignment Incentive Pay (CAIP) as a Remote Operator for the period of October 2022 through October 2024. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action) to start CAIP, 23 August 2022
- DA Form 4187 to stop CAIP, 23 August 2022
- DA Form 87 (Certificate of Training)
- 780th Military Intelligence (MI) Brigade (BDE) Memorandum, Subject: Basic Remote Operator ETP Roster
- DA Form 4187 to start CAIP, 31 May 2023
- DA Form 4187 to stop CAIP, 31 May 2023
- 780th MI BDE Memorandum, Subject: Request ETP for Processing CAIP outside the current Fiscal Year (FY)
- Alpha Company, 781st MI Battalion (BN) (Cyber), Memorandum, Subject: Basic Remote Operator ETP Roster

FACTS:

1. The applicant states he submitted his request for CAIP in August 2022 which took 2-months to process his documents. He continued to submit his request for ETP for CAIP through FY 23, but it was returned for corrections on multiple occasions. In some cases, it was something as simple as to change Attention: Deputy to the Commanding General to Attention: Chief of Staff. In September or October 2023, he was finally told Headquarters Department of the Army would not approve an ETP. Due to the extensive delays in processing his requests for CAIP he has missed out on approximately \$24,000.00.

2. A review of the applicant's service record shows:

- a. On 17 September 2018, the applicant enlisted in the Regular Army.

b. On 21 August 2019:

(1) Orders Number 233-049, issued by Headquarters (HQs), U.S. Army Cyber Center of Excellence, the applicant was assigned to the 780th MI BDE, Fort Meade, MD, effective 14 October 2019.

(2) Orders Number 233-050, issued by HQs, U.S. Army Cyber Center of Excellence, the applicant was awarded military occupational specialty 17C (Cyber Operations Specialist), effective 13 September 2019.

c. On 20 December 2021, Orders Number 354-107, issued by HQs, U.S. Army Garrison Fort Meade, the applicant was awarded the Special Duty Assignment Pay 2 for Cyber Operator (\$150.00 per month).

d. On 23 August 2022, Orders Number 235-262, issued by the U.S. Army Cyber Command, the applicant was awarded additional skill identifier E4 (Cyber Mission Force Service), effective 23 August 2022.

e. On 21 October 2024, the applicant was honorably released from active duty and assigned to the U.S. Army Reserve Control Group (Reinforcement). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 6-years, 1-month, and 5-days of active service.

3. The applicant provides:

a. DA Form 4187 dated 23 August 2022 which shows the applicant requested CAIP for Remote Operator in the amount of \$1,000.00 per month for 24-months. His immediate commander recommended approval of his request on 21 September 2022. It was approved by his BDE commander on 31 October 2022.

b. DA Form 4187 dated 23 August 2022 which shows the applicant requested the termination of CAIP in the amount of \$300.00, effective 23 August 2022, due to his recertification. His BDE commander approved his request on 31 October 2022.

c. On 26 August 2022, the applicant successfully completed the Remote Operator Basic proficiency course.

d. 780th MI BDE Memorandum, Subject: Basic Remote Operator ETP Roster, dated 15 February 2023, which shows the applicant completed the requirements prior to the release of the FY23 Army Cyber CAIP Implementation Guidance on 17 November 2022.

e. DA Form 4187 dated 31 May 2023 which shows the applicant requested CAIP in the amount of \$1,000.00 per month for 24-months, effective 1 October 2022 and to be terminated on 30 September 2024.

f. DA Form 4187 digitally signed on 31 May 2023 but the document was dated 31 September 2024 which shows the applicant requested the termination of the CAIP in the amount of \$1,000.00 due to the expiration of his contract, effective 30 September 2024.

g. 780th MI BDE Memorandum, Subject: Request ETP for Processing CAIP outside the current FY, dated 21 June 2023, request approval from the Deputy Chief of Staff G1 for the applicant to received FY22 CAIP in the amount of \$1,000.00 per month. He stated the approval was delayed because of the turnover of the BN commander.

h. Alpha Company, 781st MI BN Memorandum (unsigned), Subject: Basic Remote Operator ETP Roster shows the applicant completed the job qualification record prior to the release of the FY23 CAIP implementation guidance on 17 November 2022.

4. On 8 August 2024, in the processing of this case, the Office of the Deputy Chief of Staff G1, provided an advisory opinion regarding the applicant's request for CAIP. The advisory official stated it was recommended the applicant's request be disapproved. The Army Cyber Command advised the work role of the Remote Operator ended 30 September 2021 because the requirements for this role no longer met the training requirements for the program. Therefore, the applicant is not eligible to be paid CAIP.

5. On 14 August 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. 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/was not 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 reviewing the applicant's petition, available military records, and the advisory opinion from the Office of the Deputy Chief of Staff G-1, the Board concurred with the advising official's recommendation to deny relief. Army Cyber Command advised that the work role of remote operator was discontinued as of 30 September 2021, as its requirements no longer aligned with the program's training standards or designated pay level. Given that the role was removed and no longer qualified for Assignment Incentive Pay (AIP), the Board found insufficient justification for

granting relief. Based on the advisory opinion and guidance from Army Cyber Command, the Board denied the applicant's request.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XXX	XXX	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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Department of Defense (DoD) Instruction 1340.26 (Assignment And Special Duty Pays), policies, assigns responsibilities, and prescribes procedures concerning eligibility and requirements for receipt of all assignment and special duty pays. Paragraph 4 (Assignment and Special Duty Pay), assignment incentive pay is designed to encourage Service members to volunteer for difficult-to-fill or less desirable assignments, locations, or units designated by, and under the conditions of service specified by the Secretary of the Military Department concerned.

3. DoD Financial Management Regulation 7000.14-R, volume 7a (Military Pay), chapter 15 (Special Pay – Assignment Incentive Pay), Paragraph 3.2 Army Cyber (ARCYBER) Command Eligibility, 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) or those directly executing strategic to tactical level cyber missions required outside of the CMF; and;
- Enter into a written agreement to serve 1 to 3-years in an ARCYBER approved billet, 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 Soldier serving as a:
 - Basic under the ARCYBER AIP program will start at \$200.00 and will not exceed \$1,000.00;
 - Senior under the ARCYBER AIP program will start at \$300.00 and will not exceed \$1,250.00; and
 - Master under the ARCYBER AIP program will start at \$500.00 and will not exceed \$1,500.00

4. Title 37 United States Code (USC), section 307a)Special pay: assignment incentive pay), the Secretary concerned may pay incentive pay to a member of a uniformed service who performs service, while entitled to basic pay, in an assignment designated by the Secretary concerned. Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments. (b) Written Agreement- the Secretary concerned may require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a monthly basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the monthly rate of the incentive pay.

//NOTHING FOLLOWS//