

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240001449

APPLICANT REQUESTS:

- retroactive payment of Assignment Incentive Pay (AIP) in the amount of approximately \$6,000.00.
- personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, U.S. Army Special Operations Command (USASOC) Memorandum for Record (MFR) - Subject: USASOC AIP Program Management for Fiscal Year (FY) 2023, 16 November 2022
- Order Number 0003882148.00, 13 January 2023
- DA Form 4187 (Personnel Action), 20 January 2023
- Order Number 0003099070.01, 23 June 2023
- Order Number 0005153249.00, 23 June 2023
- DA Form 4187, 9 August 2023
- Soldier Talent Profile, 16 January 2024

FACTS:

1. The applicant states:

a. He requests AIP backdated in the amount of approximately \$6,000.00. He served as 4th Battalion, 7th Special Forces Group (SFG) Airborne Operations Sergeant Major (SGM) from 28 July 2022 – 14 June 2023 as a hard pinned SGM (AIP requirement) (see attached orders and Selective Retention Bonus (SRB)) from 1 January 2023 – 14 June 2023. This is an AIP authorized position at a rate of \$500.00 per month, totaling approximately \$2,500.00. He was then transferred to A Company, 4th Battalion, 7th SFG Airborne as the Company SGM, effective 15 June 2023, to present. This is an AIP authorized position at a rate of \$500.00 per month (no change between FY23 and FY24 USASOC AIP Policies), totaling approximately \$3,500.00 so far.

b. He initially submitted his request for AIP on 20 January 2023. Due to administrative oversight, and to no fault of his, this request was not processed at the unit level. This request was resubmitted on 2 August 2023 to Human Resources (HR), to the Company Commander on 2 August 2023, to 7th SFG (Airborne) on 24 August 2023, and to SFG (Airborne) on 12 September 2023. It was then returned without action because another member receiving pay for the applicant's position failed to terminate their AIP, no fault of the applicant.

c. Unit HR resubmitted the applicant's corrected request on 27 October 2023 after awaiting guidance from higher headquarters. His request was returned again from SFG (Airborne) on 24 December 2023 (nearly 2 months), this time due to crossing fiscal boundary and not being submitted on the new Integrated Personnel and Pay System – Army (IPPS-A) system (a change in policy from previous FY). The applicant was advised that because his request had not made it to the approval authority by 30 September 2023 it could not be approved, and no back pay would be issued (another change in policy from previous FY). Due to multiple changes in policy and processing procedures, failure on another member's behalf to terminate AIP, and unnecessarily long processing times, and due to no fault of the applicant, he should receive back pay for serving in AIP authorized positions from 1 January 2023 to present.

2. A review of the applicant's service records show:

a. He enlisted in the Regular Army (RA) on 29 October 1998. The applicant reenlisted on multiple occasions and is currently serving in the RA.

b. His record contains an Enlisted Record Brief dated 28 November 2022, which shows his Primary Military Occupational Specialty as 18Z (Special Forces Senior Sergeant).

c. On 13 January 2023, the Department of the Army (DA) published Orders Number 0003882148.00, which promoted the applicant to the rank/grade of sergeant major (SGM)/E-9, effective 1 January 2023.

d. On 23 June 2023, the DA published Orders Number:

- 0003099070.01 amending Order Number 0003099070 to show the applicant was assigned to the 4th Battalion, 7th SFG (Unit Identification Code (UIC) WJQ4XX), as the Senior Operations Sergeant, effective 13 August 2022; the end date was shown as 14 June 2023
- 0005153249.00 assigning the applicant to Detachment A, 4th Battalion, 7th SFG (UIC WJQ4XX), as the company sergeant major, effective 15 June 2023

e. On 12 July 2024, the DA published Order Number 0005153249.01 amending Order Number 0005153249 to show the applicant's position title as "Standard Excess"; assignment loss reason as "IE – Inactivation, Reorganization/Relocation"; and major personnel action as "CE – Unit Related Move"; effective 15 June 2023; The additional instructions state this position change was effective as of " 12 July 2024."

f. On 12 August 2024 the DA published:

(1) Order Number 0005153249.02 amending Order Number 0005153249.01 to show the effective date as 15 June 2023 vice 12 July 2024.

(2) Order Number 0009150229.00 assigning the applicant to 4th Battalion, 7th SFG, as Standard Excess; assignment loss reason as IE – Inactivation, Reorganization/Relocation; and major personnel action as CE – Unit Related Move; effective 12 August 2024

3. In support of his case the applicant provides:

a. Headquarters, USASOC MFR - Subject: USASOC AIP Program Management for FY23, dated 16 November 2022, which states, in relevant part, to be eligible for the Career Management Field (CMF) 18 AIP Program, Soldiers in the pay grade of E-9, must be permanently assigned to an authorized CSM/SGM billet and remain assigned to an AIP billet for the duration of the AIP contract. CMF 18 SGM may be paid AIP at a monthly rate of \$500.00. CMF 18 Battalion CSM may be paid AIP at a monthly rate of \$750.00.

b. DA Form 4187 dated 20 January 2023, which shows he volunteered to remain on active duty in a U.S. Army Special Operations Command designated assignment, Battalion S3 SGM, Company SGM for 36 months, from the date of this agreement, and he agreed to accept AIP in the amount of \$500.00 per month, for each month he served in this assignment under this agreement. He understood the consequences for voluntary or involuntary termination of this AIP contract. The effective date was listed as 1 January 2023. The form is not endorsed by his chain of command.

c. DA Form 4187 dated 9 August 2023, which shows he volunteered to remain on active duty in a U.S. Army Special Operations Command designated assignment, Battalion S3 SGM, to the 4th Battalion, Alpha Company SGM for 18 months, from the date of this agreement, and he agreed to accept AIP in the amount of \$500.00 per month, for each month he served in this assignment under this agreement. He understood the consequences for voluntary or involuntary termination of this AIP contract. The effective date was listed as 1 January 2023.

d. Soldier Talent Profile printed on 16 January 2024 showing his career mapping experience, assignment dates and duty titles, readiness, skills, knowledge, rank, and dates of rank.

4. On 18 September 2024, the Office of the Deputy Chief of Staff G-1, Chief, Compensation and Entitlements Division, provided an advisory opinion for this case and recommended the Board approve the applicant's request for administrative relief. The advisory official stated, after careful review this office recommends that the Board approve the applicants request for administrative relief. The applicant's Personnel Action Request for AIP was initially requested on 29 August 2023, and he started receiving AIP on 13 February 2024. Recommend AIP payment for 29 August 2023, thru 12 February 2024, at the rate of \$500.00 a month.

5. On 27 September 2024, the applicant was provided with a copy of the G-1 advisory opinion. He did not respond.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board reviewed and accepted the applicant's argument regarding his eligibility for the assignment incentive pay (AIP) The Board also reviewed and agreed with the advisory official's determination that the applicant's Personnel Action Request for AIP was initially requested on 29 August 2023. He started receiving AIP on 13 February 2024. This delay in processing his request was no fault of the applicant. Therefore, the Board determined the applicant is entitled to AIP payment for 29 August 2023 through 12 February 2024, at the rate of \$500.00 a month.

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:

- publishing orders authorizing Assignment Incentive Pay (AIP) at the rate of \$500 per month for the period 29 August 2023 to 12 February 2024
- paying the applicant AIP as a result of this correction

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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. Army Regulation (AR) 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army policies for entitlements and collections of pay and allowances for active duty Soldiers. It is used in conjunction with the Department of Defense (DoD) Financial Management Regulation, Volume 7A. Chapter 9 (Assignment and Special Duty Pays), paragraph 9-1 (Entitlement provisions) states, 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 Secretary of the Army. Assignment and special duty pays include:

- AIP
- Special duty assignment pay (SDAP)
- Hardship duty pay (HDP)
- Sea pay (see AR 600–88)

2. Headquarters, U.S. Army Special Operations Command Memorandum for Record, Subject: USASOC AIP Program Management for FY23, dated 16 November 2022, establishes policy for implementation and management of the USASOC AIP. This policy delineates responsibilities and eligibility criteria as it applies to USASOC AIP for Career Management Field 18, 180A, Special Mission Units, Regional Support Element Soldiers, 75th Ranger Regiment, Command Sergeants Major, and Sergeants Major. Reserve Component Soldiers are not eligible for this incentive. It states, in pertinent part:

a. Headquarters, Department of the Army (DA) G-1 directs USASOC to manage all U.S. Army SOF AIP. This policy is effective 1 October 2022 and expires on 30 September 2023 unless otherwise changed or suspended by proper authority.

b. Receipt of AIP is not an entitlement. Soldiers eligible for these incentives must be assigned to a valid position and meet all general eligibility criteria and program specific criteria as described in this policy. The Commander, U.S. Special Operations Command may authorize payment to a Soldier, who is otherwise qualified, and serves in a billet that supports the USASOC enterprise.

c. All contracts executed under a previous AIP policy will remain in effect until the expiration of the contract or otherwise terminated under the provisions of this memorandum. Where this memorandum authorizes a higher AIP, Soldiers may re-obligate for an additional service commitment for the higher amount.

d. Receipt of these incentive pays are based on assignment to an approved position. Therefore, AIP recipients should remain assigned to an approved position for the duration of the contract unless otherwise re-assigned or relieved.

e. Paragraph 3h (Contract procedures) states, a written contract (DA Form 4187), that clearly defines the tour length, paragraph and line number of position filled, and AIP rate is required. The DA Form 4187 serves as the contractual device. All contracts executed under this policy will be signed by the Soldier requesting participation in the AIP program. Contracts will be endorsed through the Soldier's chain of command to the first O-5 or O-6 commander. Final approval authority is outlined in each program. Contracts will not be less than 12 months or greater than 36 months. Payment will be effective upon assignment to an approved position and when all other eligibility criteria is met. Submit all contracts to USASOC Deputy Chief of Staff, G-1, Plans Operations Policy and Programs Division, any contracts received more than 90 days after the requested date, will be effective on the date of receipt.

f. Paragraph 5 (The CMF 18 AIP Program) states, only Soldiers in the pay grade of E-9 are authorized this incentive. Soldiers frocked to command sergeant major (CSM)/SGM are not authorized to participate in this program. Approval authority for this program is the USASOC CSM. Contracts under this program will not exceed 36 months. The CSM/SGM will complete and submit the attached example DA Form 4187. The DA Form 4187 requires endorsement through the chain of command to the first O6 in a command position.

g. Paragraph 5d (Eligibility) states, the E-9 must be permanently assigned to an authorized CSM/SGM billet and remain assigned to an AIP billet for the duration of the AIP contract.

- CMF 18 SGM may be paid AIP at a monthly rate of \$500.00.
- CMF 18 Battalion CSM may be paid AIP at a monthly rate of \$750.00.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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.

//NOTHING FOLLOWS//