

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240005176

APPLICANT REQUESTS: an Exception to Policy (ETP) authorizing entitlement to Cyber Assignment Incentive Pay (CAIP) Tier 1 (\$1,000.00 per month) effective 1 October 2022

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Appeal to Army Board for Corrections of Military Records (ABCMR) for Denial of Exception to Policy and Work Role Certification
- Email communication
- Memorandum – Subject: Basic Remote Operator Exception to Policy Roster
- Memorandum – Subject: Assumption of Command, 15 February 2023
- Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current Fiscal Year (FY)
- Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current FY
- Memorandum – Subject: Implementation Guidance for the FY22 CAIP
- Fiscal Year 2023 CAIP/Special Duty Assignment Pay (SDAP) 4187 Bundle Cover Page
- DA Forms 4187 (Personnel Action)
- Certificate of Training
- Memorandum – Subject: Implementation Guidance for the FY23 CAIP
- Orders Number 099-063, 8 April 2020

FACTS:

1. The applicant states in pertinent part that he completed the academic and Job Qualification Record (JQR) requirements for CAIP. Upon completion, he submitted his request for CAIP based on the most recent guidance available at that time. His entitlement to CAIP was denied due to more recent guidance issued after he had completed the previous requirements and requested an Exception to Policy from his brigade. He notes that after multiple submissions, his ETP was denied based on timeliness i.e. too much time had elapse since the initial submission. The applicant contests that the administrative delays were outside of his control and have now

prevented him from receiving the entitlement that he rightfully earned. He further provides a chronological account of the events prompting this request.

On 11 October 2022, the applicant completed the JQR as a Basic Remote Operator (BRO) which would entitle him to Tier 1 CAIP at a rate of \$1000 per month for 12 months. He submitted his request for CAIP on 31 October 2022. On 17 November 2022, the FY23 CAIP guidance was published and backdated to 1 October 2022. On 12 January 2023, U.S. Army Cyber Command denied his request for CAIP because his JQR of BRO was no longer a CAIP qualified role.

On 15 February 2023, his command submitted a bulk ETP for all graduates indicating that all personnel had submitted their CAIP request prior to the publication of the new guidance and should therefore be entitled to CAIP based on their BRO JQR. In response, his command was advised to create and submit individual request for an ETP. These new individual requests were submitted on 23 March 2023, and a request for the assistance of the Inspector General's office was initiated on 28 June 2023.

On 25 July 2023, his command resubmitted the request for an ETP. However, in October 2023, Headquarters Department of the Army denied these requests because over 12 months had elapsed since their initial submission.

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

- a. On 9 October 2018, the applicant enlisted in the Regular Army for 6 years with duty as a 17C (Cyber Operations Specialist).
- b. On 8 April 2020, Headquarters U.S. Army Cyber Center of Excellence issued Orders Number 099-064 announcing the applicant's award of the 17C military occupational specialty (MOS) effective 13 March 2020.
- c. On 18 January 2022, the applicant agreed to serve in an approved U.S. Cyber Command Work Role (Army Cyber Operator) with entitlement to Tier II CAIP at a rate of \$300.00 per month for 24 months.
- d. On 15 March 2022, Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon issued Orders Number 074-301 authorizing the applicant's entitlement to Special Duty Assignment Pay – 1 (\$150.00 per month) for work role Army Cyber Operator effective 18 January 2022.
- e. On 23 August 2022, the U.S. Army Cyber Command issued Permanent Orders Number 235-579 announcing the applicant's award of the "E4 (Cyber Mission Force Service) Additional Skill Identifier (ASI) effective 23 August 2022.

f. On 10 October 2022, the applicant requested termination of his entitlement to CAIP (\$300.00 per month), effective 11 October 2022, due to a change in his work role.

g. On 11 October 2022, the applicant agreed to serve in an approved U.S. Cyber Command Work Role (Basic Remote Operator) with entitlement to Tier I CAIP at a rate of \$1,000.00 per month for 12 months.

3. The applicant provides the following a:

a. Email communication reflective of information pertaining to the denial of the CAIP packets by Headquarters Department of the Army. The applicant was advised to seek relief through this board.

b. Memorandum – Subject: Basic Remote Operator Exception to Policy Roster, reflective of a roster of names of Soldiers who completed the JQR standards of a Basic Remote Operator prior to the release of the FY23 CAIP Implementation Guidance on 17 November 2022. The applicant's name is reflected on this roster.

c. Memorandum – Subject: Assumption of Command, 15 February 2023, reflective of Lieutenant Colonel M_B_ assuming command of the 780th Military Intelligence Command 15-16 February 2023.

d. Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current Fiscal Year (FY), reflective of the justification for the submitted ETP regarding entitlement to CAIP (\$1,000.00 per month) for the Basic Remote Operator JQR again noting that the applicant along with several other Soldiers completed the necessary requirements under the FY22 CAIP Implementation guidelines. The delays experienced were not at the fault of the applicant.

e. Memorandum – Subject: Request Exception to Policy for Processing CAIP outside the current FY reflective of the justification for the submitted ETP regarding entitlement to CAIP (\$1,000.00 per month) for the Basic Remote Operator JQR again noting that the applicant along with several other Soldiers completed the necessary requirements under the FY22 CAIP Implementation guidelines. The delays experienced were not at the fault of the applicant.

f. Memorandum – Subject: Implementation Guidance for the FY22 CAIP, reflective of the written agreement for implementing the CAIP for the Cyber Workforce, to include those personnel that possess advanced training, unique qualifications, and highly perishable skills in support of cyberspace operations at the Service, Combatant Command, and National level. Soldiers meeting the JQR and serving in the Work Role as Basic Remote Operator qualify for CAIP Tier I at a rate of \$1,000.00 per month.

g. Fiscal Year 2023 CAIP/Special Duty Assignment Pay (SDAP) 4187 Bundle Cover Page, reflective of the initiation of the applicant's CAIP for the first time on 23 February 2023, with a requested contract start date of 11 October 2022.

h. DA Form 4187 (Personnel Action), 23 February 2023, reflective of the applicant agreeing to serve in an approved U.S. Cyber Command Work Role (Basic Remote Operator) with entitlement to Tier I CAIP at a rate of \$1,000.00 per month for 24 months effective 11 October 2022.

i. DA Form 4187, reflective of the applicant's submitted request to terminate his entitlement to CAIP at a rate of \$1,000.00 per month, with an effective date of 10 October 2024, due to the expiration of his contract.

j. Certificate of Training reflective of the applicant's completion of Remote Operator Basic Proficiency Training on 11 October 2022.

k. Memorandum – Subject: Implementation Guidance for the FY23 CAIP, reflective of the written agreement for implementing the CAIP for the Cyber Workforce across the Service, Combatant Command, and National level. Paragraph 7h. provides a list of Work Roles that are authorized CAIP. Basic Remote Operator is not reflected.

l. Orders Number 099-063, 8 April 2020, reflective of the applicant being reassigned to 782nd Military Intelligence Battalion effective 15 April 2020.

4. On 4 February 2025, the Department of the Army, Office of the Deputy Chief of Staff provided an advisory opinion recommending denial of the applicant's request the Work Role of Remote Operator ended 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 requested.

5. On 5 February 2025, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments.

6. On 25 February 2025, a response was received from the applicant which was a command recommendation from the commander of the 782nd Military Intelligence Battalion in which is was requested that the Board reject the advisory opinion that was provided the ARCYBER. The advisement from ARCYBER contradicts the FY22 CAIP guidance, which list RO as an eligible work role to receive CAIP and includes RO as an authorized work role in the associated appendix. Granting the applicant the ETP he earned is the just, moral and honorable course. It is indeed consistent with the FY22 CAIP guidance, and ETPs such as his were anticipated by and allowed in the FY23

guidance. He submitted his ETP but it was caught in months of staffing that disallowed Headquarters Department of the Army (HQDA), due to timelines established by HQDA and ARCYBER, to make a decision and caused this to be brought to the Board's attention. The applicant did everything correctly. Please correct this and let our Army right this wrong by granting his ETP for Tier I CAIP for RO under the Fy22 CAIP guidance. The complete recommendation is available for the Board to review.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant provides a statement from unit leadership against the HQDA advisory opinion, based upon the finding outlined in the advisory opinion stating the applicant was ineligible for the CAIP payment and the rebuttal provided no documentary evidence to counter those findings, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's pay record.

BOARD VOTE:

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

//SIGNED//

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CHAIRPERSON

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 637-1 (Army Compensation and Entitlements Policy), 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 Assistant Secretary of the Army. 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 \$1,500.00. 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 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 (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

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.

3. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//