

Interim Changes 6-98, 43-98 and 9-99 are incorporated in this change.

CHAPTER 20

AVIATOR RETENTION BONUS

★2001 ENTITLEMENT

An aviation officer entitled to aviation career incentive pay (ACIP), who makes a written agreement to remain on active duty in aviation service for at least 1 year, may be paid a retention bonus as provided in this chapter. The written agreement must be executed during the period beginning January 1, 1989, and ending on December 31, 1999, and accepted by the Secretary of the Military Department concerned. An aviation officer eligible under this chapter is entitled to a retention bonus in addition to any other pay and allowances to which the officer is entitled.

★2002 ELIGIBILITY REQUIREMENTS

200201. To qualify for an aviation bonus under this chapter, an officer must:
- A. Be entitled to aviation career incentive pay (ACIP)
 - B. Be in a pay grade below O-6 (although the Secretary of the Military Department concerned may establish more restrictive requirements)
 - C. Be qualified to perform operational flying duty
 - D. Have completed at least 6, but less than 13 years of aviation service
 - E. Have completed any active duty service commitment incurred for undergraduate aviator training, and
 - F. Be in an aviation specialty designated as critical by the Secretary of the Military Department concerned and approved
200202. Definitions of select terms used in this chapter are as follows:
- A. Aviation Service. Aviation service is service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.
 - B. Aviation Specialty. An aviation specialty is a specific community of pilots identified by type of aircraft or weapon system or a specific community of otherwise designated aeronautical officers.

C. Critical Aviation Specialty. A critical aviation specialty is an aviation specialty in which there exists a shortage of officers on the date of designation.

D. Operational Flying Duty. Operational flying duty is flying performed under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary of the Military Department concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

★2003 AMOUNT OF BONUS

200301. The amount of a retention bonus paid under this chapter for agreements accepted on or after October 1, 1996, may not be more than one of the following:

A. \$25,000 for each year covered by the agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

B. \$12,000 for each year covered by the agreement, if the officer agrees to remain on active duty for 1, 2, or 3 years.

200302. The amount of a retention bonus paid under this chapter for agreements accepted prior to October 1, 1996, may not be more than one of the following:

A. \$12,000 for each year covered by the agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

B. \$6,000 for each year covered by the agreement, if the officer agrees to remain on active duty for 1 or 2 years.

2004 TIME OF PAYMENT

Subject to regulations of the Secretary of the Military Department concerned, the following applies:

200401. The term of the written agreement and the amount of payment may be prorated so long as an agreement does not extend beyond the date on which the officer would complete 14 years of commissioned service.

200402. Upon the officer's acceptance of the agreement, the total amount payable becomes fixed and may be paid in either a lump sum or in installments.

2005 RECOUPMENT

200501. Recoupment of the unearned portion of the bonus is required on a pro rata basis if the officer receiving the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

200502. The amount established for recoupment is for all purposes a debt owed to the United States.

200503. A discharge in bankruptcy under Title 11, United States Code (reference (aj)), that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under section 2001, above. This paragraph applies to any case commenced under Title 11, United States Code (reference (aj)), after January 1, 1989.

200504. However, reduce the amount to be recouped, however, by an amount equal to any reduction taken under subparagraphs 350702.F or 350802.D of this volume

2006 RESTRICTION

After December 31, 1988, agreements for special pay under this chapter supersede the acceptance of agreements for special continuation pay for aviation career officers under Chapter 15 of this volume.

2007 COVERAGE OF PERIOD OF LAPSED AUTHORITY

During the 90-day period November 30, 1993, through February 27, 1994, officers who met eligibility requirements of this chapter any time during the period October 1, 1993, through November 29, 1993 may execute agreements. During the 90-day period February 10, 1996, through May 9, 1996, officers who met eligibility requirements of this chapter any time during the period October 1, 1995 through February 9, 1996, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary of the Military Department concerned on the first date on which the officer qualified during the period of lapsed authority, October 1, 1993, through November 29, 1993.