

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 May 2024

DOCKET NUMBER: AR20230002443

APPLICANT REQUESTS: in effect,

- Exception to Policy (ETP) to be paid her Prior Service Enlistment Bonus (PSEB) in the amount of \$20,000.00
- A personal appearance before the Board via video or telephonically

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

- DD Form 149 (Application for Correction of Military Record), electronic version
- DD Form 149 hardcopy
- Enlistment/Reenlistment Agreement Army National Guard (ARNG) Service Requirements and Methods of Fulfillment
- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 9 June 2011
- DD Form 214 service ending 26 December 2013
- DD Form 214 service ending 30 September 2014
- DD Form 214 service ending 30 September 2015
- DD Form 214 service ending 30 June 2017
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) service ending 25 February 2021
- DD Form 1966 (Record of Military Processing – Armed Forces of the United States)
- DA Form 5261-5 (Selected Reserve Incentive Program – U.S. Army Reserve (USAR) PSEB Addendum)
- Certificate and Acknowledgement USAR Service Requirements and Methods of Fulfillment
- Memorandum, Subject: Request for ETP for USAR Bonus
- U.S. Army Reserve Command Memorandum, Subject: ETP for Sergeant (SGT) L-, V- (the applicant)

FACTS:

1. The applicant states in effect, she served in the ARNG for the period of 2010 through 2021 prior to her enlistment in the USAR. Her transfer was for better career progression

than the ARNG could provide. At the Military Entrance Processing Station (MEPS), she was offered a \$20,000.00 PSEB along with the Student Loan Repayment Program (SLRP) incentives. She advised the counselor at the MEPS that she had previously received a non-PSEB with the ARNG which was clearly stated in her original enlistment contract with the ARNG which she provided to the counselor. She was told she was still eligible for the PSEB which was added to her USAR enlistment contract. When she inquired about the payment of her PSEB, she was advised by the U.S. Army Human Resources Command (HRC) that she was ineligible due to receiving a prior enlistment bonus and the MEPS made a mistake. She believes she should still be eligible for the PSEB as she was contractually promised, and it was no fault of her own.

She has served honorably for over 13-years as a 35T (Military Intelligence System Maintainer/Integrator) which is a highly skilled technical Military Occupational Specialty (MOS) with a high attrition rate. HRC had posted a Military Personnel message which stated her MOS was offered a reenlistment bonus to encourage retention in her MOS. It has always been her intention to use the money from her PSEB and SLRP to cover the remaining cost of completing a master's degree in Cloud Computing at George Washington University. Her denial of her PSEB is an injustice as she was contractually promised the incentive which had been rescinded after nearly 2-years of service into her enlistment contract.

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

a. On 3 February 2010, the applicant enlisted in the ARNG.

b. The applicant's Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment document which was signed on 3 February 2010 states in section VII (Addendums) attached as part of her enlistment agreement was the Enlistment Bonus Form.

c. NGB Form 600-7-1-R-E (Non-PSEB Addendum ARNG) states in:

(1) Section II (Eligibility) – upon enlistment in the ARNG she may be eligible for an Enlistment Bonus as indicated in the Selected Reserve Incentive Program (SRIP). She was enlisting in a NPS critical skill as a 35T.

(2) Section IV (Payments) stated she will receive a total bonus in the amount of \$15,000.00 (which included an off-peak bonus of \$5,000.00).

d. DD Form 1966 dated 3 February 2010, shows in item 32 (Specific Option/Program Enlisted for, Military Skill, or Assignment to a Geographical Area Guarantees), she enlisted for a non-prior service critical skill in the amount of \$10,000.00.

- e. On 30 March 2010, the applicant entered initial active duty for training.
- f. On 10 May 2011, Orders Number 130-00009, issued by the U.S. Army Intelligence Center of Excellence, the applicant was awarded MOS 35T, effective 9 June 2011.
- g. On 9 June 2011, she was honorably released from active duty and returned to her ARNG unit. She completed 1-year, 2-months, and 10-days of active service.
- h. On 29 November 2012, Orders Number 334-153, issued by the State of GA Department of Defense (DoD), Military Division, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 5 February 2013.
- i. On 26 December 2013, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 10-months and 22-days of active service.
- j. On 9 April 2014, Orders Number 099-029, issued by the State of GA DoD, Military Division, the applicant was ordered to Full Time National Guard Duty – Operational Support (FTNG-OS), effective 17 March 2014.
- k. On 1 May 2014, Orders Number 121-203, issued by the State of GA DoD, Military Division, the applicant was ordered to FTNG-OS, effective 1 June 2014.
- l. On 30 September 2014, the applicant was honorably released from active duty and returned to her ARNG unit. DD Form 214 shows the applicant completed 6-months and 14-days of active duty.
- m. On 7 March 2015, the applicant reenlisted/extended in the ARNG.
- n. The applicant's NGB Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 (Reenlistment/Extension Bonus (REB) Addendum ARNG of the United States) shows she reenlisted in MOS 35T for 6-years for a bonus in the amount of \$12,000.00.
- o. On 29 September 2015, Orders Number HR-5272-00052, issued by HRC, the applicant was ordered to Active Duty for Operational Support (ADOS), effective 23 October 2015.
- p. On 30 September 2015, the applicant was honorably released from active duty. DD Form 214 shows she completed 8-months of active duty.
- q. On 18 October 2017, Orders Number HR-7291-00001, issued by HRC, the applicant was ordered to ADOS, effective 22 October 2016.

r. On 30 June 2017, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 8-months, and 8-days of active service.

s. On 25 February 2021, the applicant was honorably discharged from the ARNG for enlistment in any Reserve Component. NGB Form 22 shows the applicant completed 11-years and 23-days of service.

t. On 26 February 2021, the applicant enlisted in the USAR. In conjunction with this enlistment, DD Form 1966 shows she enlisted in the USAR for a PSEB in the amount of \$20,000.00 and the SLRP in the amount of \$20,000.00.

u. On 2 September 2021, Orders Number 1368665, issued by the GAARNG Augoe Army Element Joint Force HQs, the applicant was transferred to a USAR Troop Program Unit, effective 25 February 2021.

v. On 26 September 2022, HQs USARC Memorandum, Subject: ETP for SGT L-,V- (the applicant) stated her request for an ETP to be paid her PSEB in the amount of \$20,000.00 was denied. The USAR Pay Center did not pay the PSEB due to her receiving a previous Non-PSEB in the amount of \$15,000.00 in connection with her 3 February 2010 enlistment in the ARNG. The Department of Defense Instruction (DoDI) 1304.3 (Enlisted Bonus Program) dated 12 March 2013 prohibits a Soldier from receiving a PSEB who had previously received an enlistment bonus. In the applicant's case the accessing agency failed to verify her PSEB eligibility.

3. The applicant provides:

a. DA Form 5261-5 which states in:

(1) Section III (Acknowledgement), in connection with my enlistment in the USAR for the PSEB, I hereby acknowledge I meet the eligibility criteria: "I have not received an enlistment bonus for any prior military service."

(2) Section IV (Obligation), I am enlisting in the USAR for 6-years.

(3) Section V (Entitlement), I am eligible for a PSEB as specified; I am enlisting for 6-years for a bonus of \$20,000.00.

b. On 4 May 2022, in effect, the applicant requested an ETP to be paid the USAR PSEB and SLRP per her signed enlistment contract with the USAR in February 2021. She enlisted in the USAR for better opportunity for career progression than she had in the ARNG. The PSEB would significantly financially impact her family, especially as she continues to financially recover losses and debts absorbed during the pandemic. She is

currently working towards her master's degree in Cloud Computing, while she volunteers and fosters animals with a non-profit organization, works a full time job in Information Technology and simultaneously commutes from NC to MD for her USAR obligations.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief 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 review of the applicant's petition, available military records and Headquarters, U.S. Army Reserve Command – Resource Management, G-1 advisory opinion, the Board concurred with the advising official recommendation for disapproval finding the applicant received a \$15,000 Non-Prior Service Bonus (NPSB) for her 3 February 2010 enlistment. The Board noted in accordance with DoDI Soldiers who have previously received an enlistment bonus are prohibited from receiving additional enlistment bonuses.

2. The Board found the accessioning agency did not verify the applicant's Prior Service Enlistment Bonus (PSEB) eligibility. The Board agreed there is insufficient evidence to authorize an exception to Policy (ETP) for payment of the applicant's Prior Service PSEB in the amount of \$20,000.00 even though she enlisted for a six-year term with the bonus in question. The Board determined the guidance within the DoDI is clear and the applicant is not eligible for an additional bonus. Therefore, the Board denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.



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) 601-210 (Regular Army and Reserve Components Enlistment Program), prescribes eligibility criteria governing the enlistment of persons, with or without prior Service (PS), into the Regular Army (RA), the Army Reserve (AR), and the Army National Guard (ARNG).

a. Chapter 3 (Enlistment in the RA, AR, or ARNG for PS Applicants), prescribes basic eligibility criteria for PS applicants for enlistment in the RA, AR, and ARNG.

b. Subparagraph 3–2 (Basic eligibility criteria for all prior Service applicants), persons applying for enlistment in the RA, AR, or ARNG must meet eligibility criteria outlined in this chapter. The PS applicants also must meet requirements of options for which they are enlisting. The PS definitions for RA, AR, and ARNG are as follows: (1) for persons enlisting into the AR, applicants who are MOS qualified are considered as PS regardless of time on AD.

c. Paragraph 10-13 (Selected Reserve Incentives Program–PSEB), Eligibility, a cash bonus is offered to eligible applicants enlisting in the Selected Reserve (SELRES) and complying with all of the following eligibility requirements:

- received an honorable discharge or honorable release at the conclusion of their last period of active military Service
- completed not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of Service; the "total

military Service criteria" includes inactive reserve time in the Individual Ready Reserve or Inactive National Guard

- is not being released from active or Selected Reserve (SELRES) (TPU, Individual Mobilization Augmentee, or Active Guard/Reserve) service for the purpose of enlistment in the AR or ARNGUS
- possess a bonus MOS or accept training into an MOS as announced by Headquarters Department of the Army that is the same required by the SELRES unit position vacancy; in the case of prior Service in the AR or ARNGUS must have previously qualified in the MOS
- meets the eligibility criteria for enlistment in the AR as a PS applicant
- completes DA Form 5261–5–R (Selected Reserve Incentive Program-USAR PSEB Addendum) as part of the enlistment agreement
- upon enlistment, qualify for the SELRES unit position vacancy for assignment to one of the following, Soldiers will not receive any enlistment bonus payments until they have complied with all the eligibility criteria
- in the case of PS in the ARNGUS or AR must be DMOSQ for the position which enlisting

2. DODI 1304.31 (Enlisted Bonus Program), establishes policy, assigns responsibilities, and prescribes procedures for a bonus payment, in accordance with Section 331 of Title 37, USC, to persons or members who:

- enlist in a military service
- affiliate with a Reserve component of a military service
- reenlist, voluntarily extend an enlistment, or otherwise agree to continue to serve in a military service
- transfer between regular and Reserve components of the military service
- transfer from one military service to another

Paragraph 4.3, the Secretary of the Military Department may offer a prior service reenlistment bonus to individuals with previous military service who reenlist in a Regular or Reserve Component of a Military Service after a break in active duty or reserve duty.

b. Eligibility Requirements for a Prior Service Reenlistment Bonus. An individual must:

- not have previously received, or currently be entitled to, an Selective Retention Bonus in accordance with this issuance or a critical skills retention bonus in accordance with Section 355 of Title 37, USC
- not have more than 16 years of total military service and have received an honorable discharge at the conclusion of all previous periods of service
- not have been released, or not be released, from active duty for the purpose of
- enlistment in a Reserve Component

3. DODI 1205.21 (Reserve Component Incentive Programs Procedures), enclosure E4.1.1.5 states, the member may not have been paid a bonus for enlistment, reenlistment, or extension of enlistment in a Reserve component, and the specialty associated with the position projected to occupy.

4. AR 15-185 (Army Board for Correction of Military Records (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.

//NOTHING FOLLOWS//