

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2024

DOCKET NUMBER: AR20230003226

APPLICANT REQUESTS: in effect, an exception to policy to receive a non-prior service enlistment bonus (NPSEB).

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

- DD Form 149, Application for Correction of Military Record
- DD Form 214, Certificate of Release or Discharge from Active Duty, 8 February 2023
- DA Form 2823, Sworn Statement, 14 February 2023
- National Guard Bureau (NGB) Memorandum, 31 March 2022, Subject: Army National Guard (ARNG) Selected Reserve Incentives Programs (SRIP) Policy for Fiscal Year 2022 3rd Quarter with List
- ARNG Applicant Data Report, 5 May 2022
- Manual Vacancy Control Number (VCN) Incentive Request Form
- Applicant Copy-Successful Reservation

FACTS:

1. The applicant states he joined the [REDACTED] ARNG ([REDACTED] ARNG) on 5 May 2022 with the understanding that he would be serving 6 years as an assigned member of a troop program unit in the Selected Reserve, and 2 years as an assigned member of the Individual Ready Reserve, with incentives. He scored a 90 on the Armed Services Vocational Aptitude Battery (ASVAB) and chose military occupational specialty (MOS) 91C, utilities equipment repairer, because it was on the bonus list. After completing his Advanced Individual Training (AIT), he was informed that he did not have a bonus on his contract, so he went back and reviewed all the email correspondence between his recruiter and recruiting operations. The slot reservation shows there was a bonus attached to his enlistment. However, somewhere between those emails and his enlistment, unbeknownst to him, the bonus was dropped. The applicant contends that he was planning to use the bonus money to purchase a new vehicle to commute to school and the GI Bill Kicker incentive would allow him to work a part time job while he focused on keeping his grade point average up in school. Furthering his education is

important to him, and would make him a better person, and help him better serve his community and the military.

2. The applicant enlisted into the [REDACTED] ARNG on 5 May 2022, and he completed AIT training for MOS 91C.

3. The record is void of an NPSEB contract associated with his enlistment. However, the applicant provides:

a. The ARNG Fiscal Year 2022, 3rd Quarter SRIP Policy, 31 March 2022. The purpose of this memorandum is to identify the top 5 MOS's by State for Soldiers serving in an active status in the ARNG. This document shows that the applicant's MOS of 91C is among the top five MOS's for the state of [REDACTED]

b. An ARNG Applicant Data Report, 5 May 2022, which shows the applicant scored 90 on his ASVAB.

c. Undated and unsigned Manual VCN-Incentive Request Form which shows for MOS 91C, the category of incentive was "NPS," and the amount of bonus was \$20,000, for a term of 72 months.

d. A printout showing the applicant had a reservation to attend training for MOS 91C at Fort Lee, Virginia with a report date of 31 October 2022.

e. His DD Form 214, for the period 15 August 2022 through 8 February 2023. This form lists the applicant's MOS as 91C.

4. On 8 March 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion in this case. This official recommended approval of the applicant's request for NPSEB payment.

a. The [REDACTED] ARNG Recruiting and Retention Battalion (RRBN) Operations NCO stated, in effect, the applicant was accessed into a valid hard slot at the time of enlistment (WVBZE0, 507/16). The Initial Active Duty for Training (IADT) Reservation system shows the slot information along with the GI Bill Kicker and \$20,000 Bonus (UZG307) incentives on page 3. This enlistment occurred during the period when all incentive requests required manual build from NGB. All manual builds required proof of valid vacancy and an Incentive Request Form (IRF) showing the requested incentives. The IRF was sent to NGB with a request for a \$20,000 bonus and GI Bill Kicker. The NGB may have erroneously left out the \$20,000 bonus when manually attaching incentives to the slot. The applicant and the Military Entrance Processing Station (MEPS) guidance counselor then might have missed that the incentives were not attached when they were signing all the enlistment documents.

b. The MOARNG provided the applicant's DD Form 1966, Record of Military Processing, DD Form 4 Enlistment/Reenlistment Document-Armed Forces of the United States, Guard Incentive Management System (GIMS) Screenshot of GI Bill Kicker non-prior service case, and the applicant's high school diploma as supporting documents.

c. A review by the ARNG Incentives Oversight Branch shows the applicant was processed under a manual vacancy and coded as a TIER 1 to match the bonus critical skill list for 3rd QTR FY22. The applicant did receive an override, but MEPS only selected the MGIB Kicker and not a bonus. The applicant was placed in and remains in an excess position which violates the ARNG SRIP. The applicant is not authorized an incentive while in an excess position. The Incentives Oversight Branch further states if the applicant were in a valid vacant position and the MEPS guidance counselor selected a bonus the applicant would have processed correctly.

d. After further review of the applicant's documents provided, discussions with the [REDACTED] ARNG and ARNG Incentives Oversight Branch it is the conclusion of this office that the applicant was eligible for the NPSEB bonus but was not given contractual document to sign due to manual enlistment build that excluded the requested \$20,000 bonus at no fault of the applicant. This office recommends NPSEB payment be granted.

e. The MOARNG concurs with the recommendation.

5. The applicant was provided a copy of the advisory opinion for comment. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official that the applicant was eligible for an NPSEB but was not given an incentive contract through no fault of his own. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show he contracted for a \$20,000 NPSEB and he should be paid the incentive in accordance with the program's rules.

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 and Army National Guard records of the individual concerned be corrected by showing he contracted for a \$20,000 NPSEB when he enlisted on 5 May 2022. As a result of this correction, he should be paid the NPSEB in accordance with the program's rules.

9/18/2024

X

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. Department of Defense Instruction (DODI) Number 1205.21, Reserve Component Incentive Programs Procedures, dated 20 September 1999, implements the policies, assigns responsibilities, and prescribes procedures for management of the Reserve Components incentive programs. It states each recipient shall be required to sign a written agreement stating that the member has been advised of and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. That agreement shall clearly specify the terms of the Reserve service commitment that authorizes the payment of the incentive to the member.

2. Title 10, U.S. Code, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States

3. DOD Financial Management Regulation 7000.14-R, Volume 7A, Military Pay Policy and Procedures – Active Duty and Reserve Pay, governs active duty and reserve military pay. Chapter 2, Repayment of Unpaid Portion of Bonuses and Other Benefits, paragraph 020204, Conditions under review by the Secretary of the Military Department, provides that under circumstances not specifically mentioned in this chapter, the Secretary of the Military Department concerned has the discretion to, at some point in the process, render a case-by-case determination that the member's repayment of, or the Military Department's full payment of an unpaid portion of, a pay or benefit is appropriate based on the following:

- contrary to a personnel policy or management objective
- against equity and good conscience
- contrary to the best interest of the United States

//NOTHING FOLLOWS//