

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 6 December 2023

DOCKET NUMBER: AR20230003652

APPLICANT REQUESTS: in effect, an Exception to policy (ETP) to receive payment of her Warrant Officer Accession Bonus (WOAB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 30 May 2012
- Selected Reserve Incentive Program (SRIP) - U.S. Army Reserve (USAR) Reenlistment Bonus Addendum, 30 May 2012
- DA Form 61 (Application for Appointment), 30 January 2017
- Written Agreement - USAR Officer/WOAB Acknowledgement, 15 December 2017
- DA Form 71 (Oath of Office - Military Personnel), 20 March 2019
- DA Form 1059 (Service School Academic Evaluation Report), 22 July 2021
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 22 July 2021
- Headquarters, 99th Readiness Division Memorandum, Subject: Classification of USAR Warrant Officer, 18 April 2022
- USAR Command, Military Pay Technician, SRIP Team email communication, 23 August 2022
- Applicant's Memorandum for Record (MFR), Subject: Request for ETP for USAR Officer Accession Bonus, 25 September 2022
- Bravo Detachment, 826th Military Intelligence Battalion Commander MFR, Subject: Command Endorsement Memo, 25 September 2022
- 826th Military Intelligence Battalion Commander MFR, Subject: Command Endorsement for [Applicant] Bonus ETP, 25 October 2022
- Regional Level Application Software (RLAS) Unit Manning Report (UMR), 1 October 2022
- Personnel Action Packet Checklist, 25 October 2022

FACTS:

1. The applicant states:

a. The error is the denial of a bonus she was led to believe through erroneous recruiting that she qualified for either through deception or negligence. She should have the rejection of her bonus payment waived due to being misled/misrepresented during the signing of her Written Bonus Agreement (WBA). She provided all the appropriate documents, memos, proof of education (both civilian and military) for review and was made to believe she met all requirements to receive the Officers Accession Bonus (OAB) upon completion of the Warrant Officer Basic Course (WOBC). Having met all contractual education and service obligations she is requesting fulfillment of the WBA.

b. The error was caused by misrepresentation of the contract and WBA by the recruiter to her. She was led to believe she was fully qualified and would receive a bonus upon completion of her signed responsibilities. The recruiter claimed, with her signature, that she reviewed the qualifying information, and she was counseled that she was fully qualified for the WOAB. If there was a change in policy during the compiling of her packet, she should have been made aware so that she had all of the truthful information required to make an educated and well-informed decision for her career. She believes the process was improper and dishonest to meet recruitment goals.

2. A review of the applicant's military personnel record shows the following:

a. She enlisted in the USAR on 23 October 1998. In connection with her enlistment, DA Form 5261-4-R (Student Loan Repayment Program (SLRP) Addendum) shows, in pertinent part, she contracted for completion of initial active duty for training and qualification in Military Occupational Specialty (MOS) 98J (Electronic Intelligence Interceptor/Analyst) which Headquarters Department of the Army (HQDA) approved for a maximum of \$20,000.00 in loan repayments.

b. DD Form 214 shows she entered active duty on 5 June 2000 and was honorably released from active duty and transferred to her USAR unit on 30 August 2000. She completed 2 months and 26 days net active service this period. Item 11 (Primary Specialty) shows MOS 98J10.

c. On 21 July 2006, DD Form 4 shows she reenlisted for a period of 6 years. In connection with her reenlistment, DA Form 5261-4-R shows in pertinent part, she contracted to serve in MOS 98J20, in which she was qualified and that HQDA had approved for a maximum of \$10,000.00 in loan repayments. Repayment of the qualifying student loan(s) would be made after each year of satisfactory service in the Selected Reserve after securing the loan(s) and reaching the anniversary date of this agreement. For each satisfactory year of service in the Selected Reserve, the loan

amount to be repaid would be a maximum of \$10,000.00 during her military career as she had acknowledged in section III (Acknowledgement), above, and that amount would not increase.

d. On 30 May 2012, DD Form 4 shows she reenlisted in the USAR for 6 years. In connection with her reenlistment, SRIP – USAR Reenlistment Bonus Addendum shows, in pertinent part, she was qualified in MOS 35N (Signal Intelligence Analyst), which had been approved as a bonus MOS with a bonus amount of \$10,000.00 in accordance with the USAR SRIP list.

e. On 6 December 2017, DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows she extended her current reenlistment agreement for a period of 8 months, which changed her expiration term of service date to 22 June 2019.

f. On 15 December 2017, the applicant completed and signed a Written Agreement – USAR Officer/Warrant Officer Accession Bonus Acknowledgement which shows, in pertinent part, she was eligible for an Accession Bonus by commissioning in area of concentration/MOS 352N (Signals Intelligence Analysis Technician). Her commission was earned by Warrant Officer, with assignment to a USAR Selected Reserve unit for not less than 6 years for a \$20,000.00 bonus.

g. DD Form 214 shows the applicant entered active duty on 4 February 2019 and was discharged to "accept commission or Warrant in the Army" on 19 March 2019. She completed 1 month and 16 days of net active service this period.

h. On 20 March 2019, DA Form 71 shows she was appointed as a Reserve warrant officer and executed an oath of office.

i. On 22 July 2021 –

(1) DA Form 1059 shows she successfully completed the Signals Intelligence Analysis Technician WOBC.

(2) DD Form 214 shows she was honorably released from active duty and transferred to her USAR unit.

j. On 11 January 2022, the U.S. Army Human Resources Command published Orders Number B-01-200179 which promoted the applicant to Chief Warrant Officer Two, effective on with a date of rank of 22 July 2021.

3. The applicant provides:

a. DA Form 61 dated 30 January 2017, which shows she applied for appointment as a warrant officer in the USAR.

b. Headquarters, 99th Readiness Division Memorandum dated 18 April 2022, Subject: Classification of USAR Warrant Officer, which shows she was awarded MOS 352N, effective 22 July 2021.

c. USAR Command (USARC), Military Pay Technician, SRIP Team email communication dated 23 August 2022 which states:

(1) The USAR Bonus Team was not able to process the WOAB for the applicant. Soldiers who contracted for a WOAB/OAB bonus on or after 1 November 2016 are not entitled to the bonus if they have ever received payments under the SLRP, even if those payments occurred prior to the WOAB/OAB period. Their records indicate the applicant received \$20,000.00 in SLRP payments from 2001 to 2010. Please refer to the Army Review Boards Agency for further assistance.

(2) If the SLRP was not an issue then the applicant would still need an ETP due to taking over 24 months from date of appointment to be awarded bonus MOS. Again, this is a moot point but just want you to be aware of the eligibility requirements. In addition, this Transmittal Letter (TL) was missing the required DA Form 61. The TL will be closed with no action processed.

d. Applicant's MFR, Subject: Request for ETP for USAR OAB dated 25 September 2022, which states, on 15 December 2017, the applicant signed a contract that was fully explained to her and that she was made to understand she was fully eligible for as she was not receiving any additional bonuses or SLRP at the time. The Bonus Written Agreement signed and approved by the supervising official stating that she was fully eligible to receive the bonus is attached. She is requesting an ETP due to either supervising official error or being intentionally misled with the contract at the time of recruitment. She is requesting approval to receive the initial officer accession bonus as she has fulfilled her obligations in the approved contract.

e. Bravo Detachment Commander, 826th Military Intelligence Battalion MFR, Subject: Command Endorsement Memo dated 25 September 2022, which states, in pertinent part, she supports the applicant's claim for an ETP and recommends approval.

f. 826th Military Intelligence Battalion Commander MFR, Subject: Command Endorsement for [Applicant] Bonus ETP dated 25 October 2022, which states, in pertinent part, the applicant has met all contractual obligations for the bonus, and he recommends approval of her ETP.

g. RLAS UMR dated 1 October 2022 which lists the applicant in the signal intelligence analyst technician position, effective 10 June 2020.

h. Personnel Action Packet Checklist dated 25 October 2022, which shows the required forms and documents submitted by the applicant requesting an ETP for USAR Bonus – Officer or Warrant Officer.

4. On 11 September 2023, Headquarters, USARC, Director Resource Management USARC G-1, provided an advisory opinion for this case and recommended no relief. The advisory official stated:

a. The applicant accessed the USAR on 30 January 2017 for a six-year term in MOS 352N, Signals Intelligence Analysis Technician. On 15 December 2017, she completed a WOAB addendum stipulating a six-year term with a \$20,000.00 WOAB in MOS 352N. The USAR Pay Center did not pay the WOAB due to the applicant previously receiving \$20,000.00 in SLRP incentive payments.

b. Department of Defense Instruction (DoDI) 1304.34 (General Bonus Authority for Officers), dated 11 July 2016, prohibits Service Members who have previously received financial assistance through a loan repayment program from being eligible for an accession bonus. In addition, Army policy requires the service representative to complete the WOAB when the DA Form 61 is completed.

c. The applicant received SLRP incentive payments in consecutive fiscal years from 2001 to 2011, which made her ineligible for the WOAB at the time of her January 2017 accession. In this case, the USAR Careers Group erroneously offered the applicant the WOAB 11 months after her accession in direct violation of Army policy and DoDI 1304.34 guidance. Based on the information provided in this case, the USARC G-1 recommends no relief.

5. On 19 September 2023, the applicant was provided a copy of the USARC G-1 advisory opinion to allow for comments and/or rebuttal. She did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 the USAREC G-1 advisory opinion, the Board noted the advising official recommendation for denial, finding the applicant was erroneously offered the WOAB 11 months after her

accession in direct violation of Army policy and DoDI 1304.34 guidance. However, the Board understands by policy you can't have both but agreed it was no fault of the applicant for the erroneous offer and she should be entitled to an Exception to policy (ETP) to receive payment of her Warrant Officer Accession Bonus (WOAB). As such, the Board granted relief.

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 records of the individual concerned be corrected to show the applicant is authorized an Exception to policy (ETP) to receive payment of her Warrant Officer Accession Bonus (WOAB).

12/16/2023

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.

ADMINISTRATIVE NOTE(S): N/A

REFERENCES:

1. Army Reserve (AR) Fiscal Year 2017 (FY17) Selected Reserve Incentive Program Policy Guidance is designed to assist the AR in meeting leadership's end strength, readiness and balancing the force objectives. It provides recruiting and retention incentives to assist in filling critical shortages. Incentives are implemented in those situations where other less costly methods have proven inadequate in supporting unit and occupational skill staffing requirements. The policy guidance states, in pertinent part:

a. The OAB/WOAB is authorized in accordance with Title 37, United States Code (USC), DoDI 1304.31, AR 601-210 and applicable policies. Bonuses are subject to the availability of incentives funds, which may change without notice. Soldiers, who may otherwise be eligible for a bonus, will not receive the advertised bonus unless their incentive is assigned a valid bonus control number. Enlisted Soldiers who enter a commissioning program and/or accept an appointment or commission as an officer or warrant officer in a SELRES may continue to receive SLRP payments as stipulated in their original contract so long as they remain otherwise qualified but will not be authorized the OAB.

b. A new SLRP addendum (DA Form 5261) must be created. The Soldier will only receive the remaining amount from the original SLRP contract. Soldiers are prohibited from receiving the Accession Bonus if they have ever used the SLRP regardless of whether or not the service obligation associated with the SLRP has been met.

c. Warrant Officer applicants must complete the written agreement at the time of application (DA Form 61, Application for Appointment) and prior to the date of appointment (DA Form 71, Oath of Office – Military Personnel).

2. DoDI 1304.34 (General Bonus Authority for Officers) establishes policy, assigns responsibilities, and prescribes procedures for the payment of a bonus, in accordance with Section 332 of Title 37, USC, to persons, members, or officers who: Accept a commission or appointment as an officer in a Military Service; Affiliate with a Reserve Component of a Military Service; Continue to serve in a Military Service; Transfer between Regular and Reserve Components of the Military Service; or Transfer from one Military Service to another.

a. The accession bonus authorized pursuant to Section 332(a)(1) of Title 37, USC, and implemented by this issuance, offers a monetary incentive for a person (including a Service member) to accept a commission or appointment as an officer and serve for a specified period on active duty or in an active status in a Military Service.

b. An accession bonus is authorized when an individual agrees to serve for a minimum 4-year period in: (1) A designated military skill or career field. (2) A unit. (3) A grade. (4) Some other role that meets a condition or conditions imposed by the Secretary of the Military Department concerned.

c. Consistent with Section 332(a)(1) of Title 37, USC, the procedures described in Paragraphs 3.1. and 3.2. of this issuance, as well as any additional conditions and requirements prescribed by the Secretary of the Military Department concerned, govern the award and administration of an accession bonus.

d. Additional Accession Bonus Eligibility Requirements state, in addition to meeting the minimum eligibility requirements listed in Paragraph 3.1.b., an eligible person must: (1) Meet the qualification standards listed in DoDI 1304.26 (Qualification Standards for Enlistment, Appointment, and Induction) for a commission or appointment. (2) Be an initial recipient of a commission or appointment in a Regular or Reserve Component. (3) Have completed all previous service obligations incurred as a result of receiving a bonus or special pay while serving as an enlisted Service member or Reserve Officer Training Course cadet or midshipman. (4) Not have received: (a) Pre-commissioning compensation pursuant to Sections 2106, 2107, and 2107a of Title 10, USC. (b) Financial assistance through a loan repayment program, in accordance with Sections 16201, 16301, 16302, or 16303 of Title 10, USC. (c) An accession bonus in accordance with Sections 324 and 330 of Title 37, USC. (5) Accept a service obligation on active duty or in the Selected Reserve (SELRES) for at least 4 years.

3. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement stating 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. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive to the member.

//NOTHING FOLLOWS//