

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 September 2024

DOCKET NUMBER: AR20230003707

APPLICANT REQUESTS: payment of her non-prior service enlistment bonus.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document)
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Enlistment Bonus Addendum), 17 May 2008

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states she signed for a \$20,000 bonus for a 6-year enlistment in 2008 as a glossary non-prior service. All documentation is in her interactive personnel electronic records management system (iPERMS) record, but the bonus was never paid, and the contract was not uploaded appropriately, which caused multiple administrative issues. She upheld her portion as much as she could by becoming military occupationally qualified as a 31B (Military Police), which was the first stipulation for the first payout. Due to the contract not being uploaded appropriately, in March 2011 a few months shy of the 36-month requirement for the second and final payment date she reenlisted. She has inquired in the past for answers, but never received any type of answer or resolution.
3. A review of the applicant's service records show:
 - a. On 29 March 2005, the applicant enlisted in the Army National Guard (ARNG). In connection with her enlistment, she entered the Simultaneous Membership Program as a member of the Reserve Officers' Training Corps. She acknowledged if she failed to accept a commission or failed to be tendered a commission, she would be deleted from the program and required to continue in an enlisted status for the remaining of her

contractual obligation of 6 years. She was subsequently disenrolled on 11 February 2008 due to undesirable character.

b. On 17 May 2008, the applicant enlisted in the ARNG for 6 years. In connection with her enlistment, she executed a DD Form 600-7-1-R-E for a non-prior service enlistment bonus in the amount of \$20,000 for a non-critical skill bonus (50/50 payment). She authenticated this form with her signature as well as the enlisting official.

c. She continues service with the ARNG.

4. On 18 March 2024, in the processing of this case, an advisory opinion was received from the National Guard Bureau. The Chief, Special Actions Branch states:

a. Recommendation: Disapproval.

b. The applicant initially contracted with the ARNG as a SMP cadet on 29 March 2005 and was dropped from the program on 6 December 2006. The applicant has two enlistment contracts in her records; the reason is unknown, but nonetheless, erroneous. The applicant signed a non-prior service bonus addendum on 17 May 2008 for an undetermined reason.

c. Due to the applicant signing the 4-year SMP contract and being dropped from the program 2 years later, she was required to serve the remainder of the service obligation as an enlisted Soldier. This would have made her expiration of term of service date as 20 March 2009 (4-year contract) or 28 March 2011 (6-year contract) given the two enlistment contracts listed in her records.

d. After a thorough review of the circumstances, it is the opinion of the GAARNG that the applicant was inaccurately awarded the incentive contract. The applicant was not eligible to sign for a bonus due to having a service obligation at the time of signature which would have barred her from being considered non-prior service.

e. After further review of the applicant's documents, discussions with the GAARNG and ARNG incentives oversight branch office, it was concluded the applicant was not eligible for incentives due to an active service obligation at the time of signing the addendum and initial enlistment under the ROTC/SMP. They recommended the payment not be granted.

f. The ARNG incentives branch and GAARNG concurred with the recommendation.

5. On 22 March 2024, the opinion was forwarded to the applicant for an opportunity to provide a response/rebuttal. The applicant did not respond.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the Army National Guard on 29 March 2005 into the Simultaneous Membership Program and was later dropped from the SMP on 6 December 2006. Her record contains two DD Forms 4 and a non-prior service bonus addendum that are unexplainable by the National Guard Bureau. The Board reviewed and concurred with the National Guard Bureau's advisory finding the applicant was inaccurately awarded the incentive contract as she was not eligible to sign for a bonus due to having a service obligation at the time of signature which would have barred her from being considered non-prior service. Based on a preponderance of the evidence, the Board determined relief was not warranted.

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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and the Army National Guard for enlistment. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps (ROTC) cadets under the Simultaneous Membership Program (SMP). It states:

a. Persons enlisting under ROTC/SMP are not eligible for a Selected Reserve Incentive Program enlistment bonus or participation.

b. A Cadet participating in the ROTC/SMP is subject to the same standards for satisfactory performance and participation as all contractually obligated officers and enlisted Soldiers assigned to the TPU. Failure to meet these performance and participation standards may result in cancellation of the ROTC/SMP agreement and reassignment from the TPU to Control Group (ROTC), or disenrollment from the ROTC Basic/Advanced Course (MS III/MS IV).

//NOTHING FOLLOWS//