

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 September 2024

DOCKET NUMBER: AR20230003937

APPLICANT REQUESTS:

- payment of the second portion of his officer affiliation bonus (OAB)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record) online application
- Memorandum Appointment as a Reserve Commissioned Officer
- DA Form 71 (Oath of Office - Military Personnel)
- Orders 330-1042 Transfer Orders
- Orders 215-1013 Discharge from the Army National Guard (ARNG)
- Letter from Texas ARNG (TXARNG)
- Email Army Board for Correction of Military Records (ABCMR) Process

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 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 he has an unpaid portion of his OAB of \$5,000, in which he is requesting payment. He earned the bonus and served far beyond the requirements.
3. The applicant provides:
 - a. Memorandum Appointment as a Reserve Commissioned Officer, 31 May 2008, shows he was appointed as a U.S. Army Reserve (USAR) Commissioned Officer.
 - b. Letter from the TXARNG, 23 March 2023 states a recent audit of unpaid incentives indicated he might be entitled to a previously earned OAB payment of \$5,000. If he believed he was entitled to this incentive, he could submit an application to the ABCMR.

c. Email chain between the applicant and the TXARNG regarding the ABCMR process, states in pertinent part, after further review, the recoupment letter was sent to the applicant in error. The applicant does not owe the government money and he did not get the second half of his bonus. After further review, he was eligible for his second payment. Since it was a closed year, he would have to apply to the ABCMR for payment.

4. A review of the applicant's service records show:

a. Oath of Office shows he took the oath of office as a USAR Commissioned Officer on 1 June 2008.

b. Orders 330-1042, published by the TXARNG, 25 November 2008 transferred him from a unit in Houston, Texas to a unit in Austin, Texas.

c. National Guard Report of Separation and Record of Service shows he was honorably transferred to USAR Control Group (Individual Ready Reserve) on 8 September 2009.

d. Orders 308-1066, published by the TXARNG, 4 November 2010 reassigned him from the area of concentration of 57A (Simulation Operations Officer) to 02A (Combat Arms Generalist) effective 2 November 2010.

e. Special Orders 183, published by National Guard Bureau, 10 August 2011, withdrew his federal recognition because he transferred to the USAR effective 8 September 2009.

f. The applicant's service record is void of an OAB addendum showing the conditions for receipt, payment, and termination of his OAB.

5. The applicant is currently on active duty in the Regular Army.

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 review based on law, policy, and regulation. The Board found the evidence confirms the applicant was eligible to receive the Officer Affiliation Bonus based on incentive contract information provided with a verified control number in the amount of \$5,000. The Board defers to the Defense Finance and Accounting Service (DFAS) for calculation of payment.

2. 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 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 the applicant timely submitted the appropriate request/form for payment of Officer Affiliation Bonus
- showing the appropriate office timely received his request and authorized payment as a result of this correction

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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, USC, 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 National Guard Selected Reserve Incentive Program (SRIP) Guidance for Fiscal Year 2007 (Policy Number 07-06), dated 10 August 2007 which states:
 - a. If entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the member's written agreement, that member shall not be eligible to receive any further incentive payments, except for payments for service performed before all termination date.
 - b. If a Soldier moves to a non-bonus skill or unit, unless the move is due to normal career progression or is required by the needs of the ARNG, the Soldier's OAB would be terminated with recoupment.
3. Army Regulation 15-185 (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//