

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230004136

APPLICANT REQUESTS: payment of his overdue Non-Prior Service Enlistment Bonus remaining balance of \$2,400.00 in the Army National Guard.

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)
- NGB Form 55 (Honorable Discharge from the Armed Forces of the United States America-Army/Air National Guard (Certificate))
- NGB Form 22 (National Guard Bureau Report of Separation and Record of Service)

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 he is requesting payment of an overdue bonus, he was not aware of, until he personally noticed it on his unit's pay report while serving as the detachment commander. Remaining bonus payment is \$2,400.00, and the past due date is March 07, 2008. He separated from the Georgia Army National Guard as an enlisted member, on 30 April 2009. At the time, no action was taken to authorize the final payment. He commissioned on active duty on 1 May 2009, and has been serving ever since. In addition to the payment, he would like the issue resolved just so it is cleared from the unit's pay report.
3. The applicant provides his NGB Form 55 that shows he was honorably discharged from the GAARNG on 30 April 2009.
4. The applicant's service record shows:

a. He enlisted in the GAARNG on 7 March 2003.

b. NGB Form 21 ((DD Form 4) Annex A Enlistment / Reenlistment Agreement - Army National Guard (ARNG)) provides voluntarily elected the following:

- Initial enlistment as a non-prior service member
- Enlistment option as a member of an ARNG unit for a period of 6 years
- Member of the Individual Ready Reserve (IRR) or the Inactive National Guard (ING) for the balance of his eight year service
- He will undergo training in Primary Military Occupational Specialty (PMOS) 11B

c. NGB Form 600-7-1-R-E ((DD Form 4) Annex E Enlistment Bonus Addendum Army National Guard of the United States), shows he was eligible for an enlistment bonus, as indicated in the Selected Reserve Incentive Program (SRIP), for the amount of \$3,000.00. This document further shows:

(1) Recoupment will be based upon multiplying the number of months served satisfactorily during the term for which the incentive was authorized by the proportionate monthly dollar amount. This amount will be determined by dividing the total authorized bonus amount by 72 months. The amount of the bonus he is entitled to keep will be subtracted from the total bonus paid to date. If calculations indicate an overpayment, that amount will be recouped. If calculations indicate that he has earned more than he has received, he will be paid the difference less taxes in a final installment.

(2) Payments are to be disbursed in the following increments:

- 30% initial payment less taxes following completion of Initial Active Duty for Training (IADT)
- 20% less taxes, on the 3rd anniversary date of enlistment
- 20% less taxes, on the 4th anniversary date of enlistment
- 30% less taxes, on the 5th anniversary date of enlistment

d. Statement of understanding for the critical skill bonus shows he was also qualified to receive the following: Critical skill MOS of 11B: eligible for an additional \$3,000; Attend Initial Active Duty for Training during the off-peak period: eligible for an additional \$2,000

e. NGB Form 22 shows he was honorably discharged on 30 April 2009 to accept appointment as a commissioned or warrant officer from the Georgia Army National Guard. His NGB Form 22 shows he served for 6 years, 1 month, and 24 days. His grade at the time of discharge was sergeant/E-5.

5. On 8 February 2024, the National Guard Bureau provided an advisory opinion in the processing of this case. An NGB advisory official stated the applicant requests the remaining payment of a Non-Prior Service Enlistment Bonus (NPSEB) in the amount of \$2,400. The NGB recommends approval.

a. The applicant requests remaining NPSEB payment in the amount of \$2,400. He states the March 7, 2008, overdue bonus payment was overlooked by unit command and then removed from the GAARNG Unit pay report due to his transition to Active Army. He enlisted in the GAARNG as an 11M on 07 March 2003 for eight years. He scored a 76-Armed Forces Qualification Test (AFQT) score on the Armed Services Vocational Aptitude Battery (ASVAB). Upon enlistment, he signed an enlistment bonus addendum for a \$3,000. In accordance with the Soldier's bonus addendum payments were to be disbursed in the following increments:

- 30% initial payment less taxes following completion of Initial Active Duty for Training (IADT)
- 20% less taxes, on the 3rd anniversary date of enlistment
- 20% less taxes, on the 4th anniversary date of enlistment
- 30% less taxes, on the 5th anniversary date of enlistment

b. The applicant stated after returning to the GAARNG the overdue NPSEB payment was found while reviewing the Commander's unit pay report. The GAARNG Deputy G1 confirms the applicant's delay in payment is due to delay in the administrative process. GAARNG Deputy G1 stated, in accordance with the SM's contract the NPSEB would have been terminated on the day of acceptance as a commissioned officer without recoupment. Due to no fault of the Soldier the final payment was not made prior to the commissioning date.

c. The applicant submitted NGB Form 4, Annex A Enlistment /Reenlistment Agreement, Annex E Enlistment Bonus Addendum, Statement of Understanding for the Critical Skill Bonus, Statement of Understanding for the Off-Peakship Bonus, Annex K Montgomery GI Bill Kicker Incentive Addendum, Statement of Understanding of the Reserve Obligation and Responsibilities, Statement of Understanding The Selected Reserve Montgomery GI Bill, DD Form 1966/1 Military Records of Processing, and Honorable Discharge from the GAARNG Certificate as supporting documentation.

d. After further review of the applicant's documents provided, discussion with the GAARNG and in accordance with the Soldier's bonus addendum Section VI – Recoupment, it is the conclusion of this office, that the applicant is due a payment in the amount of \$2,400 based on the number of months served satisfactory during the term for which the incentive was authorized by the proportionate monthly dollar amount. The delay in payment as due to a delay in administrative processing. The office recommends NPSEB payment to the applicant in the amount of \$2,400.

e. The Army National Guard Incentives Oversight Branch did not provide input. The GAARNG concurs with this recommendation.

6. The applicant was provided with a copy of this advisory opinion to give him an opportunity to provide comments. No response was received.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the ARNG on 7 March 2003 and agreed to serve 6 years in the ARNG with a promise he would be paid a non-prior service enlistment bonus (NPSEB). His NPSEB would have been terminated on the day of acceptance as a commissioned officer without recoupment; however, due to administrative errors, no fault of the Soldier, the final payment was not made prior to the commissioning date. The Board reviewed and agreed with the NGB advisory official's determination that the applicant is due a payment in the amount of \$2,400 based on the number of months served satisfactory during the term for which the incentive was authorized by the proportionate monthly dollar amount. Therefore, the Board determined relief is warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for partial 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 an exception to policy to the National Guard Bureau (NGB) for payment of his remaining final payment of \$2,400 of his Non-Prior Service Enlistment Bonus (NPSEB)
- the NGB timely received, processed, and approved the applicant’s exception to policy for payment of the remaining \$2,400 balance of his NPSEB

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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 (Armed Forces), 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. National Guard Regulation (NGR 600-7), in effect at the time, prescribes provides Army National Guard policies, procedures, and implementation of Selected Reserve Incentive Programs. This regulation sets responsibilities, lists benefits, describes eligibility criteria and entitlement, sets suspension, termination, and recoupment requirements, and prescribes processing and payment procedures. This regulation applies to the Army National Guard when not in active Federal service.

a. Chapter 2. Selected Reserve Incentive Program Non-Prior Service enlistment Bonus. Title 37 (Pay and Allowances of the Uniformed Services), U.S.C. Section 308c, provides that an enlistment bonus may be given to an individual who enlists for a term of not less than 6 years, is a secondary school graduate, and has never previously served in an armed force. This chapter establishes policy for the administration of the Enlistment Bonus. Enlistment for this incentive is authorized as prescribed by law. The ARNG may offer the following bonuses:

- (1) High Priority Unit CAT 1-IIIB.
- (2) High Priority Unit/Critical Skills CAT 1- IIIB.
- (3) Non-High Priority Unit/Critical Skill CAT 1-IIIB.

b. These bonuses are payable based on the following:

(1) The initial payment per contractual agreement at the time of enlistment will be paid when the soldier has met the educational requirements of a secondary school graduate, has completed Initial Active Duty for Training (IADT), and is qualified for and has been awarded the MOS initially contracted for as their primary MOS.

(2) The remaining balance of the soldier's bonus will be paid on the schedule per the contractual agreement at the time of enlistment unless changed by law.

c. Eligibility. A cash bonus, is offered, subject to conditions of entitlement to any person meeting all of the following requirements at the time of enlistment, as a Non-prior service (NPS) applicant:

(1) Contracts for a term of service for 8 years, of which 6 years must be served in the ARNG. The soldier may serve the remaining portion of the MSO in the IRR or ING.

(2) Enlists for assignment to a valid position vacancy. Selected Reserve incentives will be offered in designated units and selected skills only when a valid position vacancy exists. Valid position vacancies are either current or projected from the unit's organizational tables.

(3) Completes an Army National Guard Enlistment Bonus Addendum (NGB Form 600-7-1-R-E) as part of the enlistment contract at the time of enlistment. A copy of the form is at the end of this regulation for local reproduction on 8 1/2 by 11 inch paper. List NGB Form 600-7-1-RE as Annex E: on the DO Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States).

(4) A soldier may contract for the enlistment bonus and SLRP at the time of enlistment. Soldier may be eligible for additional incentives in conjunction with the cash bonus. Statements of Understanding will be completed in accordance with current NGB Policy Guidance as required for any additional incentives offered at the time of enlistment. Copies of these Statements of Understanding are attached, at the end of this regulation, for local reproduction on 8 1/2 by 11-inch paper.

3. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program), in effect at the time, prescribes eligibility criteria governing the enlistment of persons, with or without prior service into the Regular Army and the U. S. Army Reserve. The National Guard uses this Regulation for information purposes only.

//NOTHING FOLLOWS//