

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230004625

APPLICANT REQUESTS: entitlement to remaining payment associated with his enlistment bonus in the amount of \$10,000.00.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 in pertinent part, when he enlisted in the Texas Army National Guard (TXARNG) in July 2006 he was entitled to a \$20,000.00 enlistment bonus. He notes he received his initial payment of \$10,000.00 during his first year. However, during the 2nd and 3rd year of his enlistment, he elected to accept a civilian contract position overseas and requested to be transferred into the Inactive Reserve for 2 years. He contends that upon his return to the U.S. (4th year) he requested entitlement to the remaining balance (\$10,000.00) of his enlistment bonus. He was advised by his command that he was ineligible to receive the remaining balance because he remained in the inactive reserve for more than 1 year. However, he could regain eligibility if he elected to extend his enlistment for 2 years. He elected to extend his enlistment for 2 years but never received his remaining entitlement.

3. A review of the applicant's available service records reflects the following:

a. After serving within the active and reserve component of the U.S. Marine Corps, on 28 July 2006, the applicant enlisted in the TXARNG for 6 years with entitlement to a \$20,000.00 Enlisted Affiliation Bonus (EAB) to be disbursed in increments (50/50 percent). The EAB Bonus Addendum provides that payment may be suspended upon approval, for up to 3 years, due to overseas employment rather than being terminated. Soldiers may also be transferred into the Inactive National Guard (ING) for personal

reasons for up to 1 year. Reinstatement of entitlement requires extending the service members term of service equal to the period of non-availability.

b. On 1 March 2008, the applicant requested to be transferred into the ING in order to accept a civilian job overseas.

c. On 15 April 2008, the TXARNG issued Orders Number 106-1108 transferring the applicant into the ING, effective 8 September 2007, for a period of 1 year due to overseas employment.

d. On 8 December 2009, the TXARNG issued Orders Number 342-1117 transferring the applicant from the ING to an active status, effective 30 November 2009.

e. On 4 April 2011, the applicant elected to extend his current enlistment for 2 years and 2 months.

f. On 12 December 2012, the TXARNG issued Orders Number 347-1054 transferring the applicant from an active status to the ING, effective 31 January 2012.

g. On 27 June 2013, the TXARNG issued Orders Number 178-075 transferring the applicant from the ING back into an active status, effective 1 June 2013.

h. On 6 November 2014, the TXARNG issued Orders number 310-044 discharging the applicant from the ARNG on 27 September 2014 due to reaching his expiration term of service date.

i. On 14 September 2018, the applicant enlisted in the TXARNG for 6 years.

4. On 26 October 2023, the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that the applicant met all applicable regulations per his EAB addendum and an approved ING transfer for an overseas employment for less than three years.

5. On 27 October 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 18 January 2024, the applicant had not responded.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board found sufficient evidence to recommend approval of the applicant's request for payment of the remaining \$10,000 of his EAB bonus. His record shows he the applicable regulations per his EAB addendum and he received an approved ING transfer for an overseas employment for less than three years.

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 that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

a. showing the applicant was fully authorized payment of the remaining \$10,000 of his bonus, and that his bonus was duly processed in a timely manner, and

b. paying him the remaining \$10,000 of his enlistment bonus he is due as a result of these corrections.

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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. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) provides that the EAB incentive is offered to an applicant who is a former enlisted member of an armed force who enlists in the Selected Reserve (SELRES) of an armed force for a period of not less than three years in a critical skill, unit, or pay grade designated by the Secretary concerned, after being discharged or released from active duty under honorable conditions. Soldier must execute a written agreement to serve as an enlisted member in the SELRES and meet the eligibility criteria for affiliation as prescribed by governing law.

a. Paragraph 1-18 (Suspension of SRIP) provides that participants will be suspended from the incentive program and will not receive any payments while assigned to the ING. Suspension of payment while assigned to the ING will be for a maximum of 3 years.

b. Paragraph 1-19 (Reinstatement of SRIP Incentives) provides that to be eligible for reinstatement, a Soldier must be assigned to an existing ARNG position and extend their current enlistment or reenlistment agreement within 30 days of returning to an active status in order to serve the full incentive.

//NOTHING FOLLOWS//