

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 March 2024

DOCKET NUMBER: AR20230005652

APPLICANT REQUESTS: entitlement to payment of Enlistment Incentives (\$8,000.00 – Cash Bonus and \$8,000.00 US Army Mid-Priority Seasonal Bonus.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Bonus Incentive Processing for Soldiers who Enlist Under 18X Contract, 5 August 2021
- DA Form 3286 (Statement of Enlistment U.S. Army Enlistment Program), 24 June 2019

FACTS:

1. The applicant provides that he is being denied entitlement to previously contracted enlistment incentives. He contests that he fulfilled the requirements reflected within his enlistment contract by shipping to Basic Combat Training (BCT) within the required days, completing One Station Unit Training (OSUT) and being awarded Military Occupational Specialty (MOS) 11B (Infantryman). He contracted as an 18X (Special Forces Recruit). 18X is not an MOS but a skill identifier. Counsel notes that on 3 June 2019, in Docket Number AR20190000976, the applicable contract itself required that the Servicemember complete OSUT and be awarded the MOS that he/she enlisted for. In this case, the applicant did both and should therefore be entitled to both contracted bonuses.

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

a. On 24 June 2019, the applicant enlisted in the Regular Army for 5 years as an 18X with entitlement to an \$8,000.00 Cash Bonus and an \$8,000.00 U.S. Army Mid-Priority Seasonal Bonus. DA Form 3286 completed at the time of his enlistment provides acknowledgment by the applicant that should he fail to qualify for Special Forces training duty subsequent to his enlistment, he would not be offered another assignment choice, but would be reassigned in accordance with the needs of the Army. The applicant further acknowledged that should he fail to satisfactorily complete Advanced Individual Training (AIT) or OSUT he would be trained in another MOS and

required to complete the terms of his enlistment, forfeiting any entitlement of the Cash Bonus. Paragraph 2 provides understanding by the applicant that if he failed to complete his initial term of service in the incentivized MOS as contracted due to misconduct, his bonus eligibility would be terminated, and any unearned amount received would be subject to recoupment including seasonal bonuses.

b. On 9 September 2019, Headquarters, U.S. Army Maneuver Center of Excellence issued Orders Number 19252-490 awarding the applicant MOS 11B, effective 11 October 2019.

c. On 23 October 2019, Headquarters, U.S. Army Maneuver Center of Excellence issued Orders Number 20296-269 awarding the applicant's Parachute Badge (18X1P), effective 1 November 2019 or upon completion of airborne training.

d. On 1 November 2019, the applicant completed the Airborne course.

e. On 27 September 2023, the Installation Management Command – Europe issued Orders Number 270-0001 reassigning the applicant to the U.S. Army transition point pending transition processing.

f. On 6 October 2023, the applicant was discharged from military service in accordance with Army Regulation 635-200 (Active-Duty Enlisted Administrative Separations). DD Form 214 (Certificate of Release or Discharge from Active Duty), item 11 (Primary Specialty) reflects 11B1P (Infantryman), item 24 (Character of Service) reflects "Under Honorable Conditions (General)"; item 28 (Narrative Reason for Separation) reflects "Misconduct (Drug Abuse).

3. On 5 October 2023, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Chief, Enlistment Incentives Branch, provided an advisory opinion recommending correction of the applicant's military record to authorize payment of the U.S Army Mid-Priority Seasonal Bonus (\$8,000.00). However, their office recommends disapproval of the associated Cash Bonus (\$8,000.00) because the applicant failed to meet the requirements of the enlistment contract (DA Form 3286, paragraph 2).

4. On 6 October 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 28 February 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 Office of the Deputy Chief of Staff, G-1- Enlistment Incentives Branch advisory opinion, the Board concurred with the advising official recommendation for partial relief, authorizing payment of the US Army Mid-Priority Seasonal Bonus in the amount of \$8,000.00 based on regulatory guidance. The opine noted the applicant failed to meet the requirements for award of the US. Army Cash Bonus in the amount of \$8,000.00 as stipulated in the SA Form 3286(Annex B) of his enlistment contract. Based on the advisory opine, the Board determined there is sufficient evidence to grant partial relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 records of the individual concerned be corrected by showing the applicant is entitled to \$8,000.00 US Army Mid-Priority Seasonal Bonus. Defense Finance and Accounting Service (DFAS) should ensure payment of this amount is in accordance with established processing procedures and timelines associated with this applicant's service and enlistment contract.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to entitlement to payment of Enlistment Incentives (\$8,000.00 – Cash Bonus).

3/19/2024

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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.

REFERENCES:

1. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) Chapter 9 (Enlistment Programs, Options, and Incentives) provides that enlistment programs/options are designed to merge valid Army requirements with personal desires. Paragraph 9-9 (Enlistment Program 9C, U.S. Army Incentive Enlistment Program (Enlistment Bonus) provides that enlistees who voluntarily or because of any misconduct, fail to satisfactorily complete AIT or OSUT will be trained in another MOS. They will complete their term of enlistment based upon the needs of the Army, unless separated for administrative or disciplinary reasons. In the above instances, the bonus will not be paid. Persons who have been paid an enlistment bonus and who become disqualified to perform duties in the selected skill because of injury, illness, or other impairment (not the result of any misconduct by the person) will be retrained, if necessary, and used according to the needs of the Army. Such persons will be required to complete the term of their enlistment. In the above instance, the person will not have to repay the unearned portion of the enlistment bonus. Soldiers paid the

enlistment bonus must (unless otherwise directed by HQDA) serve in the designated MOS for the period of enlistment. Persons who do not complete their term of enlistment for which the enlistment bonus was paid, or persons who are not technically qualified in the skill for which the enlistment bonus was paid, may be required to refund the unearned portion of such enlistment bonus.

2. Enlistment Incentive Program Change 19-06 provides that 18X service members are eligible for the Quick Ship (QS) and Seasonal Bonus (SB). 18X applicant's who ship within 60 days from their cleared date are authorized payment of the QS bonus.

//NOTHING FOLLOWS//