

IN THE CASE OF: ██████████

BOARD DATE: 7 March 2024

DOCKET NUMBER: AR20230005715

APPLICANT REQUESTS: payment of his \$10,000.00 Prior Service Enlistment Bonus (PSEB).

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), 11 September 2020
- DA Form 5261-5 (Selected Reserve Incentive Program (SRIP) - U.S. Army Reserve (USAR) PSEB Addendum), 11 September 2020
- DA Form 1059 (Service School Academic Evaluation Report), 26 October 2021
- Orders Number 22-013-00049, 13 January 2022

FACTS:

1. The applicant states:

a. He signed his enlistment contract for the Army Reserve and was eligible for a sign on bonus of \$10,000.00. He has not received the bonus. The U.S. Army Reserve Command (USARC) disapproved an Exception to Policy (ETP) stating that because of his previous enlistment bonus he was not eligible and needed to submit a DD Form 149. His contract did not state any exceptions and the requirements listed in his contract were met. Per his contract he is due the bonus that he was promised.

b. Per DA Form 5261 series of his contract section 3, he is eligible for the \$10,000.00 enlistment bonus and met the requirements. He signed the contract on 11 September 2020. Per section 3 of DA Form 5261 he was awarded his Military Occupational Specialty (MOS) 91E (Allied Trade Specialist) on 18 November 2021.

2. A review of the applicant's official records show the following:

a. He enlisted in the Regular Army on 4 May 2009. In connection with his enlistment, he completed and signed DA Form 3286 (Statement for Enlistment - U.S. Army Enlistment Program), Annex B, which states in pertinent part:

(1) He would serve in the Regular Army for a period of three (3) years plus, the length of his training and agreed to serve the remainder of his Military Service Obligation (MSO) in the Selected Reserve (SELRES). He understood that the SELRES commitment may be voided only if he reenlisted in the Regular Army for the remainder of his MSO.

(2) He understood that he would receive an \$8,000.00 Continuum of Service bonus. The incentive was the U.S. Army Cash Bonus in the amount of \$8,000.00 authorized by Headquarters Department of the Army (HQDA), DAPE-MPA, Enlisted Incentive Program, effective 1 May 2009.

b. On 11 October 2012, the applicant was honorably released from active duty and transferred to the USAR Control Group (Individual Ready Reserve). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 3 years, 5 months, and 8 days of net active service this period. Item 6 (Reserve Obligation Termination Date) shows 17 March 2017 and item 11 (Primary Specialty) shows 31E (Internment and Resettlement Specialist).

c. On 11 September 2020, he enlisted in the USAR for 6 years. In connection with his enlistment, he completed and signed DA Form 5261-5 (SRIP - USAR PSEB Addendum), which states in pertinent part:

(1) He was not currently qualified in MOS 91E. He understood that he was not qualified to receive the bonus entitlements until such time he was awarded the MOS. He understood if he did not become MOS qualified within the allocated time frame, he would forfeit all entitlements to the enlistment bonus. He would be required to become MOS qualified within 24 months if attendance at a service school was required.

(2) He was eligible for a PSEB as specified: (a) He had less than 16 years of military service and he was enlisting for 6 years for a bonus of \$10,000.00 (b) The initial payment of 50 percent will be paid upon award of the MOS. The remainder will be paid as follows, for 6-year enlistments, payments of 25 percent of the total bonus amount will be paid at the end of his 2nd and 4th year of satisfactory service in a USAR SELRES Unit. All bonus payments are subject to Federal and State income tax.

d. DA Form 1059 shows he successfully completed all requirements outlined for the 91E Phase II class/course on 19 November 2021.

e. On 13 January 2022, Headquarters, 81st Readiness Division (USAR) published Orders Number 22-013-00049, which awarded the applicant primary MOS 91E10, effective 18 November 2021.

f. On 22 July 2022, Headquarters, USARC, Director Resource Management G-1, disapproved the applicant's request for an ETP for payment of his PSEB and stated:

(1) The USARC G-1 disapproves of the request for an ETP. The applicant enlisted into the USAR on 23 June 2020, for a six-year term with a \$10,000.00 PSEB in MOS 91E, Allied Trades Specialist. The USAR Pay Center did not pay the PSEB due to the applicant receiving an \$8,000.00 "Selected Retention Bonus" in connection with his 4 May 2009, enlistment. Department of Defense Instruction (DoDI) "1304.3," dated 12 March 2013 prohibits a Soldier who has previously received an enlistment bonus from receiving subsequent enlistment bonuses. In this case, the accessioning agency failed to verify PSEB eligibility. USARC G-1 does not have the authority to grant an exception in cases where DoDI is concerned.

(2) The applicant may apply directly to the Army Review Boards Agency, utilizing the DD Form 149, to pursue any perceived injustice.

3. On 1 November 2023, the Office of the Deputy Chief of Staff G-1, Chief, Incentives and Budget Branch, Enlisted Accessions Division, provided an advisory opinion for the case and recommended approval for the applicant's request. The advisory official stated:

(1) This office recommends approval for the applicant's request. The applicant provided sufficient evidence of an error or injustice. Applicable payment of the qualifying amount in reference to the \$10,000.00 PSEB per the contract signed on 11 September 2020 should occur.

(2) We [the G-1 office] reviewed the applicant's records in the Army's Interactive Personnel Electronic Records Management System and found on his original DA Form 3286 (Annex B) that the Soldier had elected a \$8,000.00 Continuum of Service bonus. The Continuum Bonus was an initial enlistment bonus available to qualifying Soldiers in 2009. Per the Headquarters Department of the Army Enlistment Incentive Program Change effective 1 March 2009, this is an Enlistment Bonus and does not prohibit the subsequent eligibility for a PSEB.

4. On 3 November 2023, the applicant was provided a copy of the G-1 advisory opinion to allow for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official that payment of the applicant's PSEB is not prohibited by any policy. The Board determined the applicant's record should be corrected to show payment of his PSEB was approved.

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 records of the individual concerned be corrected by showing payment of the PSEB he contracted for in September 2020 was approved. He should be paid any monies he is due as a result of this correction.

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CHAIRPERSON

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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. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) paragraph 10-14 (SRIP - PSEB) states, in pertinent part:

a. A monetary bonus is offered to eligible applicants enlisting in the Selected Reserve and complying with all of the following eligibility requirements: (1) Received an

honorable discharge or honorable release at the conclusion of all prior periods of military service. A general under honorable conditions discharge from any period of service does not meet this criteria and is ineligible for the PSEB. (2) Has not previously received an enlistment bonus. Must not have received or is currently entitled to a retention bonus or a Critical Skills Retention Bonus. (3) Has completed no more than 16 years of total military service. The "total military service criteria" includes inactive Reserve time in the Individual Ready Reserve or Inactive National Guard. (4) Has been released or is not being released from active duty for the purpose of enlistment in the Reserve Component. (5) Meets the eligibility criteria for enlistment in the USAR as a PS applicant as prescribed by this regulation.

b. This incentive offers a monetary bonus to eligible applicants with prior military service who enlist in the Selected Reserve for a period of 3 years and contract to serve in a designated bonus skill determined by the respective Reserve Component under the currently approved SRIP. (1) Entitlement to the initial payment of a PSEB is effective on the date of enlistment. (2) The initial payment may be processed when the Soldier — (1) Completed Army Basic Combat Training/one station unit training, if required. (2) Fills a Selected Reserve unit position vacancy for which they are MOS qualified. (3) Fills a drill sergeant, instructor, or linguist position vacancy that they are qualified for (see paragraph 10-11). (4) Becomes MOS qualified as a "will train."

2. Headquarters Department of the Army Message - Subject: Enlistment Incentive Program Change, effective 1 March 2009, paragraph 3B, in pertinent part, provides that, the 8-year (\$8,000.00) military service obligation "Continuum of Service (COS) Bonus" was authorized for all non-prior service applicants with a Tier I Education Credential "TSC I-III A/B" (including Home School I-III A and Job Corps Tier II I-III A), Tier II I-III A that pass "TTAS." For a total military service obligation (combination of Active and Reserve Component Troop Program Unit/Selected Reserve) of at least 8 years. This bonus is currently offered in conjunction with the "Active First" and "RAF" programs or for an 8-year Regular Army enlistment contract. This bonus is payable in combination with all incentives in this message subject to term of service "CAPS" as described in paragraph 8a (1) of this message. Note: The "COS Bonus" is not available for days of service applicants.

3. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement stating the member has been advised of, and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve service commitment that authorizes the payment of the incentive to the member.

//NOTHING FOLLOWS//