

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 March 2024

DOCKET NUMBER: AR20230005716

APPLICANT REQUESTS: payment of the following:

- U.S. Army Cash Bonus in the amount of \$14,000.00
- High Priority Seasonal Bonus in the amount of \$16,000.00

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
- DA Form 3286 (Statement for Enlistment United States Army Enlistment Program (Annex B)), 24 June 2019
- Orders Number 19252-435, 9 September 2019
- Military Occupational Specialty (MOS) Infantry School Diploma, 11 October 2019
- Airborne Course Diploma, 1 November 2019

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, he is being denied his enlistment bonus. The promised cash bonus incentives must be processed by the Defense Finance and Accounting Service (DFAS) because he completed all the requirements to receive the bonus. The enlistment contract allows for a bonus to be given to a Servicemember if they obtain the MOS that he enlisted for and complete One Station Unit Training (OSUT). He has fulfilled both these conditions; therefore, his earned bonus must be processed. The most updated policy on this matter is Department of the Army (DA) incentives message number 21-07. This message states that a recruit must successfully complete airborne school, Special Forces Assessment and Selection (SFAS), and the Q-course, and successfully be awarded the 18X skill identifier in order to be entitled to incentive 175 and incentive 270. This message was sent from the Office of the Chief of

Staff, G-1 to DFAS. This message was not distributed in a way in which it was available to potential recruits. Additionally, he is being denied both these cash bonuses because he did not successfully complete additional training to have a skill identifier of 18X. Nowhere in the contract does it indicate that the Servicemember is required to receive the 18X skill identifier in order to collect either of these bonuses. The only place where it is said that a recruit must obtain the 18X skill identifier is in a DA incentives message. There is no way a recruit could have seen this message prior to enlisting. It is fundamentally unfair to promise a recruit something in his enlistment contract then pull the rug out from under him by discretely releasing a message which contradicts the terms of the contract.

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

a. On 24 June 2019, he enlisted in the Regular Army for a period of 5 years in MOS 18X. In conjunction he signed DA Form 3286 (Annex B) for eligibility to the U.S. Army Cash Bonus in the amount of \$14,000.00 upon the completion of training in MOS 18X (Special Forces Recruit) and the U.S. Army Seasonal Bonus (High Priority Seat) in the amount of \$16,000.00 for a 5-year active duty enlistment contract.

(1) Item 1f states "should I qualify for Special Forces training duty subsequent to my enlistment, I will not be afforded another assignment choice, but will be reassigned in accordance with the needs of the Army.

(2) Item 1k states "only personnel who enlist for one of the four operational MOS 18B (SF Weapons Sergeant), 18C (SF Engineer Sergeant), 18D (SF Medical Sergeant), or 18E (SF Communications Sergeant) are eligible to attend Special Forces Qualification training.

(3) Item 2c(2) states "I will lose entitlement to the incentive above (if applicable), if I fail to successfully complete training (including academic failure) and awarded the MOS I have enlisted for."

b. On 9 September 2019, Headquarters, United States Army Maneuver Center of Excellence, Fort Benning, issued Orders Number 19252-435 awarding him MOS 11B (Infantryman), effective 11 October 2019.

c. On 23 October 2019, Headquarters, United States Army Maneuver Center of Excellence issued Orders Number 20296-138 awarding him the Parachutist Badge.

d. The Enlisted Record Brief dated 22 November 2022 reflects his primary MOS as 11B. It also shows in section VI (Military Education) he completed Airborne training in 2019 and SF Preparatory and Conditioning Course in 2020.

e. He continues service in the Regular Army.

4. The applicant provides the following:

a. Memorandum, Subject: Bonus Incentive Processing for Soldiers Who Enlist Under 18X Contract from the Southern European Task Force -Africa, Office of the Staff Judge Advocate, Legal Assistance Attorney stating, in effect:

(1) The promised cash bonus incentives must be processed by DFAS because the Servicemember completed all of the requirements to receive the bonus. The enlistment contract allows for a bonus to be given to a Servicemember if they obtain the MOS that he enlisted for and complete OSUT. This Servicemember has fulfilled both of these conditions; therefore, his earned bonus must be processed.

(2) Cash bonus incentive 175 required that the Servicemember be given a bonus provided he satisfactorily complete OSUT and be awarded the MOS for which he enlisted. This Servicemember both completed OSUT and was awarded the MOS for which he enlisted: 11B, Infantryman. Consequentially, this Servicemember is entitled to the incentive 175 bonus.

(3) Cash bonus incentive 270 required that the Servicemember be given a bonus provided he shipped to basic within a certain number of days of signing the contract. This Servicemember shipped to basic within the provided number of days and is therefore entitled to his incentive 270 bonus.

(4) The most updated policy on this matter is DA incentives message 21-07. This message states that a recruit must successfully complete airborne school, SFAS, and the Q-course, and successfully be awarded the 18X skill identifier in order to be entitled to incentive 175 and incentive 270. This message was sent from HQDA DCS G-1 to DFAS. This message was not distributed in a way in which it was available to potential recruits.

(5) Special Forces Recruit is not an MOS but a skill identifier. On 3 June 2019, the ABCMR wrote "According to Army recruiting, personnel, and training commands, 18x is not actually an MOS. Instead, it is an enlistment option." In Docket Number AR20190000976. The contract itself only requires that the Servicemember complete OSUT and be awarded the MOS that he enlisted for. This Servicemember did both of these and is therefore entitled to the bonuses.

(6) This Servicemember is being denied both of these cash bonuses because he did not successfully complete additional training to have a skill identifier of 18X. Nowhere in the contract does it indicate that the Servicemember is required to receive the 18X skill identifier in order to collect either of these bonuses. The only place where it

is said that a recruit must obtain the 18X skill identifier is in a DA incentives message. There is no way in which a recruit could have seen this message prior to enlisting.

(7) It is fundamentally unfair to promise a recruit something in his enlistment contract then pull the rug out from under him by discretely releasing a message which contradicts the terms of the contract. If the DA incentives message was widely distributed there may be an argument that the recruit should have known about the additional; however, it was impossible for the recruit to know about this before enlisting

(8) If the Army wanted to change this contract, the proper way would have been to physically change the language of the enlistment contract prior to the recruit signing. Another solution would have been for G-1 to publish this message in a way which was widely accessible to Recruits prior to the signing of the contract. Instead, G-1 discretely sent a message to DFAS that these bonuses should not be processed, despite the enlistee being entitled to them. This is not fair, and this is not right.

(9) Consequentially, this Servicemember's bonus should be processed.

b. MOS Infantry School Diploma, dated 11 October 2019 showing he successfully completed individual Infantry School Training, Course Number 9049, from 5 July 2019 to 11 October 2019.

c. Airborne Course Diploma, dated 1 November 2019 showing he successfully completed the Airborne training course.

5. On 20 November 2023, the Office of the Deputy Chief of Staff, G-1, Chief, Enlistment Incentives Branch, provided an advisory opinion recommending partial relief of the applicant's request stating, in effect:

a. The office recommends correction of the applicant's military record to authorize payment of the U.S. Army High-Priority Seasonal Bonus in accordance with reference 1.d paragraph 4.e., and in accordance with reference 1.c. paragraph 9-9b (1)(g). The payment for this bonus is in the amount of \$16,000.00. DFAS should ensure payment of this amount in accordance with established processing procedures and timelines associated with this applicant's service and enlistment contract.

b. The office does not recommend payment of the applicant's request of the associated U.S. Army Cash Bonus in reference 1.d paragraph 7. The applicant failed to meet the requirements in the above references and the DA Form 3286 (Annex B). of the enlistment contract under paragraph 2c(2).

c. In conjunction with this advisory, they provided the DA Message Number 19-09 (Enlistment Incentive Program Change 19-09) – Effective 24 June 2019.

6. On 19 December 2023, the applicant was provided with a copy of the advisory opinion to provide a response. As of 2 January 2024, he did not respond.

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 finding the applicant is authorize payment of the U.S. Army High-Priority Seasonal Bonus in the amount of \$16,000.00 as noted in accordance with reference 1.d paragraph 4.e., and in accordance with reference 1.c. paragraph 9-9b (1)(g). However, the opine found the applicant failed to meet the requirements in the above references and the DA Form 3286 (Annex B). of his enlistment contract under paragraph 2c(2) and is not authorized payment in the amount of \$14,000.00 for the U.S. Army Cash Bonus in reference 1.d paragraph 7. The Board determined there is sufficient evidence based on the advising opine to grant partial relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 authorized payment for his High Priority Seasonal Bonus in the amount of \$16,000.00. DFAS should ensure payment of this amount 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 payment to the applicant of his U.S. Army Cash Bonus in the amount of \$14,000.00.

3/25/2024

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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. 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. DA Message Number 19-09 (Enlistment Incentive Program Change), effective 24 June 2019, Item 4 (Quick Ship/Seasonal Bonuses (QS/SB)) states:
  - a. DA policy is the authority for QS/SB based upon training seat priority. Not all training seats are eligible for a QS/SB and are limited by bonus quotas. Contract renegotiation that changes the enlistment date and/or MOS will invalidate eligibility for the QS/SB. Meritorious Exceptions must be approved by Chief, Accessions Management Branch (AMB).

b. Changes to the QS/SB MOS eligibility list and applicable dates in request require approval by the enlisted Accessions Division of the Directorate of Military Personnel Management (DMPM), Deputy Chief of Staff (DCS), G-1.

c. QS/SB are limited to non-prior service (NPS) new contracts only with a tier I education credential test score category (TSC) I-III A/IIIB, unless specified otherwise. Glossary (NPS) and days of service applicants (i.e. applicant's who served on active duty for less than 180 days and received initial entry discharge/separation for medical) are eligible for a QS/SB. It does not include Soldiers who are MOS qualified, who have completed their initial enlistment in another component or service or have already received an enlistment bonus in any component or service. Applicant's currently in the Selected Reserve (SELRES) as a "Drilling Member" or enlisting with a conditional release are not eligible for a QS/SB. Contract renegotiation that changes the enlistment date and/or MOS will invalidate eligibility for the QS/SB.

d. The QS/SB bonus amounts are authorized by DA Policy and will not exceed \$16,000.00. The QS/SB is applicable to the 18X MOS (I-III A only).

3. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) Section 9-9, Enlistment Program 9C, (Enlistment Bonus, Army College Fund, Loan Repayment Program) This program is available to qualified NPS, PS, and ACASP applicants enlisting for the minimum term of enlistment, when authorized by HQDA enlistment incentives message. Incentives will be offered using REQUEST and message will be updated quarterly or as required. All enlistees must meet the prerequisites before and after enlistment per DA Pam 611-21. Primary Incentive Enlistment Options available for enlistment are available in REQUEST as offered and determined by the DCS, G-1 (Directorate of Military Personnel Management).

4. Title 37, United States Code, Section 331 (General Bonus Authority for enlisted members) The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

- a. Enlists in an armed force;
- b. Enlists in or affiliates with a reserve component of an armed force;
- c. Reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

(1) For a specified period in a designated career field, skill, or unit of an armed force; or

(2) Under other conditions of service in an armed force;

b. Transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

c. Transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

d. Service Eligibility - A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

(1) To serve for a specified period in a designated career field, skill, unit, or grade; or

(2) To meet some other condition or conditions of service imposed by the Secretary concerned.

//NOTHING FOLLOWS//