

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 January 2024

DOCKET NUMBER: AR20230005835

APPLICANT REQUESTS: remission of bonus debt and a personal appearance before the Board via video or telephone.

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 effect, she is requesting correction of her records to exclude her bonus repayment debt. She completed the required time in her contract thus no repayment debt should have been assigned to her. She was made aware of the debt on 14 March 2023. She did not receive any mail alerting her to this matter from a collection agency. She was made aware that this was put into collection in 2011, while she was still serving, and no forms were sent to her, or notice made to her unit at the time.

3. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), dated 2 May 2008, shows the applicant enlisted in the Army National Guard (ARNG) for a period of 6 years. In conjunction with this enlistment National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Enlistment Bonus Addendum ARNG of the United States) shows:

(1) The applicant was enlisting in Headquarters and Headquarters Company, 369th Sustainment Brigade, in Military Occupational Specialty (MOS) 42A (Human Resources Specialist)

(2) She would receive a total bonus of \$20,000.00. She would receive 50 percent of the total authorized amount when she completed Initial Active Duty for Training

(IADT), and she was awarded the MOS for which she enlisted. The second and final payment of 50 percent would be paid on the 36th month anniversary of her date of enlistment

(3) The bonus would be suspended if she entered a period of non-availability in the Inactive National Guard (ING) or if she was flagged for an adverse action. Reinstatement of the bonus was not guaranteed.

(4) The bonus would be terminated without recoupment if she did not become qualified or awarded the primary MOS as required.

(5) The bonus would be terminated with recoupment if:

- she became an unsatisfactory participant
- voluntarily transfer into a non-critical skill MOS or transfer from the unit for which the bonus was awarded upon enlistment
- did not become qualified in or awarded as primary the MOS from the unit for which the bonus was awarded upon enlistment
- did not become qualified in the primary MOS required for any position within 36 months
- separate from the ARNG for any reason unless death, injury, illness, or incapacitation not the result of her own misconduct

b. On 29 October 2008, the applicant entered IADT.

c. SGLV Form 8286 (Servicemembers' Group Life Insurance (SGLI) Election and Certificate), dated 3 November 2008, shows the applicant elected coverage in the amount of \$200,000.

d. Orders Number 048-489, published by Headquarters, United States Army Basic Combat Training Center of Excellence, dated 17 February 2009, shows the applicant would be awarded MOS 42A upon successful completion of the 42A course.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant, as a member of the ARNG, entered active duty on 29 October 2008 and was released to her ARNG unit on 2 April 2009 and was awarded MOS 42A.

f. DA Form 4187 (Personnel Action), dated 29 September 2009, shows the applicant was reassigned as excess in duty MOS 42A.

g. NGB Form 22-5 (Addendum to DD Form 4 Approval and Acceptance by Service Representative for Interstate Transfer in the ARNG), dated 15 June 2010, states the

applicant acknowledged to have voluntarily transferred interstate on 15 June 2010 to the [REDACTED] ARNG ([REDACTED] ARNG).

h. Orders Number 168-1013, published by the Joint Force Headquarters, dated 17 June 2010 transferred the applicant to the [REDACTED] ARNG, effective 15 June 2010. The orders state in additional instructions:

- Selective Reserve Incentive Program (SRIP): Yes
- Termination: Yes, Recoupment: No
- Termination Date: 15 June 2010
- Termination Reason: Terminated - transfer to another Reserve Component
- Position Number Excess Code: Excess/Overstrength due to Reorganization (9994)

i. NGB Form 22 (Report of Separation and Record of Service), shows the applicant was honorably released from the ARNG and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training) on 11 June 2011. Her terminal date of reserve/military service obligation was 1 May 2016. She completed 3 years, 1 month, and 10 days of net service this period.

j. Orders Number 169-1025, published by the Texas Military Forces, ARNG, dated 18 June 2011 shows the applicant was honorably transferred to the USAR Control Group (Annual Training), effective 11 June 2011. The orders state SRIP: Yes, Termination: No.

4. The Army Review Boards Agency (ARBA) sent a letter to the applicant on 30 October 2023 requesting additional documentation showing her debt. She did not respond.

5. The Defense Finance Accounting Service (DFAS) responded to an ARBA request for documentation showing the applicant's debt. DFAS provided the following documents:

a. Leave and Earnings History Display, which shows the applicant has a debt for SGLI, base exchange, and her enlistment bonus. The total debt was in the amount of \$4,509.62.

b. Reserve/Guard Bonus Recoupment Worksheet shows the applicant was entitled to a bonus in the amount of \$20,000.00 and was paid \$10,000.00. When her bonus was terminated on 20 February 2010 she had earned \$5,833.33 of the bonus and owed \$4,166.67 of the bonus she had not earned.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found no evidence of error in the imposition of a debt against the applicant for, in part, not fulfilling the requirements of her enlistment bonus contract. The Board determined the evidence does not support cancelling collection of the just debt that was imposed against her.

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:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/1/2024

X

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. Army National Guard Selective Reserve Incentive Program (SRIP) Guidance for FY 07, 10 August 2007 – 30 September 2009 (Policy Number 07-06) prescribes eligibility criteria, procedures, and standards for administering the ARNG SRIP for FY08. It states that the ARNG offers a \$20,000,00 NPS Critical UIC Bonus to NPS enlistees who meet the eligibility requirements. Payments will be made in installments. The initial bonus payment of 50 percent will be processed upon completion of Initial Active Duty Training and the Soldier coded as MOS qualified. The remaining 50 percent payment will be processed on the third anniversary date of enlistment.
3. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
4. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States.

//NOTHING FOLLOWS//