

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230006519

APPLICANT REQUESTS: reversal of the National Guard Bureau denial of his Exception to Policy (ETP) for entitlement to a \$10,000.00 Officer Accession Bonus (OAB) in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- Point Credit Summary
- Army National Guard (ARNG) Officer Incentives Checklist
- Officer Incentive Request Form
- Email communication
- DA Form 71 (Oath of Office – Military Personnel), 21 January 2021
- National Guard Bureau (NGB) Form 337 (Oaths of Office), 21 January 2021
- Memorandum – Subject: ETP Request, 27 October 2021
- Memorandum – Subject: Request ETP for an OAB Contract, 9 August 2022
- Memorandum – Subject: Texas Army National Guard (TXARNG), OAB, Bonus Area of Consideration (AOC) 27A Percent of Fill
- Memorandum – Subject: ETP Disapproval, OAB, 7 March 2023

FACTS:

1. The applicant states in pertinent part that when he was appointed a Reserve commission within the TXARNG, he was advised by his recruiter that if he accepted a six-year obligation, he would be entitled to a \$10,000.00 OAB. He completed all required documentation presented by the Specialty Branch Manager prior to commissioning, however, the administrative documentation to determine his eligibility for an OAB was not provided until the day before he was commissioned. In result, the subsequent memorandum provided by the J1 could not be issued in sufficient time. The TXARNG J-1 submitted a request for an ETP to receive the OAB, but it was disapproved on 7 March 2023. He contests that this is an injustice because he completed all required paperwork provided to him. The error was in the processing time which was outside of his control.

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

a. On 21 January 2021, the applicant was appointed a Reserve commission at the rank/grade of first lieutenant (1LT)/O-2.

b. On 7 March 2022, the NGB issued Special Orders Number IP-7943 announcing Federal recognition of the applicant's initial appointment in the TXARNG as a Judge Advocate General (JAG) officer (27A).

c. On 10 August 2022, the applicant completed the JAG Basic Officer Leader Course.

3. The applicant provides the following a:

a. Point Credit Summary, reflective of the applicant's qualifying service performed while serving in the U.S. Air Force Reserve between March 2003 - November 2020.

b. ARNG Officer Incentives Checklist, reflective of the required documentation to be submitted when requesting the OAB.

c. Officer Incentive Request Form, reflective of the applicants submitted request for an \$10,000.00 OAB with a 6-year service obligation. This document was endorsed by the certifying official on 16 December 2020; however, this document does not contain a Bonus Control Number.

d. Email communication, reflective of communication provided to the applicant regarding his completion of an ETP request.

e. NGB Form 337 dated 21 January 2021, reflective of the applicant being granted temporary Federal recognition in the rank of 1LT in the TXARNG.

f. Memorandum – Subject: ETP Request, dated 27 October 2021, reflective of the applicant's submitted request for an ETP noting that since his OAB was not endorsed prior to going before the Federal recognition board and due to an administrative error, beyond his control, he is being denied this entitlement.

g. Memorandum – Subject: Request ETP for an OAB Contract, dated 9 August 2022, reflective of the TXARNG, J-1 endorsement of the applicant's submitted request for an ETP noting that the required administrative documentation was completed by the applicant prior to being appointed a commission. However, the documentation to determine eligibility was only provided to him 1 day prior. These circumstances were outside of the applicant's control.

h. Memorandum – Subject: TXARNG, OAB, Bonus AOC 27A Percent of Fill, reflective of verification provided by the TXARNG, J-1 that the applicant would be

accessed into the TXARNG as a JAG officer on 21 January 2021. The applicant agreed to the 6-year service obligation associated with the \$10,000.00 OAB.

i. Memorandum – Subject: ETP Disapproval, OAB, dated 7 March 2023, reflective of the NGB denial of the applicant's submitted request for an ETP which would entitle him to receive the \$10,000.00 OAB.

(1) 1. Reference: Army National Guard (ARNG) Selected Reserve Incentive Programs (SRIP) 2Policy for FY21 (Policy Number 21-01). The ETP request on behalf of the applicant to receive the \$10,000 OAB is disapproved.

(2) Contract/agreement details: a. Unit Identification Code (UIC): N/A; b. Date of agreement: N/A, Contracted bonus agreement amount: N/A; Paid amount: N/A
d. Contracted AOC: N/A; Current AOC: 27A.

(3) The applicant submitted an Officer Incentives Request Form, but it was never processed by the State and has been more than a year since his commissioning; therefore, the request for the incentive is denied IAW the DAPE-MPA, Section 4.

BOARD DISCUSSION:

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. The evidence shows the applicant submitted an Officer Incentives Request Form for the \$10,000 OAB, but it was never processed by the State. He submitted an exception to policy, but it was denied because the OAB was never processed by the State and because it has been more than a year since his commissioning. The applicant was qualified for the OAB but due to circumstances beyond his control, he was denied this incentive. He should not be penalized for administrative errors committed by others. The Board found an injustice.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 and Army National Guard records of the individual concerned be corrected by showing the applicant’s Memorandum – Subject: Exception to Policy Request, dated 27 October 2021, for payment of the Officer Accession Bonus was approved by the National Guard Bureau for payment, provided all other criteria is met.

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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. Memorandum, Subject: Army National Guard (ARNG) Selected Reserve incentive Program (SRIP) Guidance for Fiscal Year (FY) 2021 provides that the OAB is offered to help mitigate a current or projected significant shortage of personnel in the ARNG who are qualified in that Military Occupational Specialty (MOS)/AOC or are to be trained in that MOS/AOC. The OAB is authorized in accordance with Title 37, United States Code, Chapter 5, Subchapter II, Sections 332, Department of Defense Instruction 1304.34 (General Bonus Authority for Officers), and applicable policies. Bonuses are subject to the availability of incentives funds, which may change without notice. Soldiers, who may

otherwise be eligible for a bonus, will not receive the advertised bonus unless their incentive is assigned a valid Bonus Control Number (BCN). A written agreement must be completed within the Reserve Incentive Management System (RIMS) prior to the date of appointment. To be eligible, the officer must agree to serve in the AOC/MOS for which the bonus was awarded in the ARNG for the full term of their agreement. The OAB is payable in a lump sum.

2. Department of Defense Instruction (DoDI) 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.

3. DoDI 1304.34 (General Bonus Authority for Officers) states, the OAB offers a monetary incentive for a person to accept a commission or appointment as an officer and serve for a specified period on active duty or in an active status in a Military Service. An accession bonus is authorized when an individual agrees to serve for a minimum 4-year period in a designated military skill or field. The maximum accession bonus may not exceed \$60,000.00 for a minimum 4-year period of obligated service, nor may it exceed an annual amount of \$15,000.00.

//NOTHING FOLLOWS//