

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2024

DOCKET NUMBER: AR20230007775

APPLICANT REQUESTS: payment of his Non-Prior Service Enlistment Bonus (NPSEB).

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)
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex to DD Form 4 Non-Prior Service Bonus Addendum Army National Guard (ARNG) of the United States), 17 October 2013
- NGB Form 600-7-1-R-E, 5 November 2013

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 requests the payment of his NPSEB. He signed the NGB Form 600-7-1-R-E when he enlisted in the ARNG for Military Occupational Specialty (MOS) 35F (Intelligence Analyst) for a \$15,000.00 bonus. However, prior to departing for training he changed his MOS to 68W (Combat Medic Specialist) and signed a new NGB Form 600-7-1-R-E on 5 November 2013 for a bonus of \$7,500.00. He completed the required training to be awarded MOS 68W, but he was never paid the bonus.

3. A review of the applicant's service records shows:

a. On 17 October 2013, the applicant enlisted in the ARNG. In conjunction with this enlistment NGB Form 600-7-1-R-E dated 17 October 2013 shows the applicant enlisted for a critical skill in the grade of specialist (SPC)/E-4 or below in MOS 35F for a NPSEB of \$15,000.00 for a 6-year service obligation. The first installment of 50 percent would

be paid upon completion of his Advanced Individual Training (AIT) and the awarding of the MOS.

(1) Section IV (Suspension) states the incentive eligibility would be suspended if the applicant was flagged with the suspension of favorable personnel action for adverse action excluding Army Physical Fitness Test (APFT) or failure to meet body fat standards.

(2) Section V (Continued Receipt) states the applicant would be eligible to continue to receive the incentive if his MOS was changed due to unit transition, inactivation, relocation, reorganization or conversion, provided he met all other eligibility criteria and became duty MOS qualified within 24-months.

(3) Section VI (Termination) states the applicant's incentive eligibility would be terminated with recoupment if he:

- voluntarily changed his enlistment MOS during the contractual obligation unless assigned as an officer candidate or Simultaneous Membership Program (SMP) cadet
- became a unsatisfactory participant
- was placed in an excess position
- had two consecutive record APFT failures and/or two consecutive failures to meet body fat standards within the contract term
- transferred out of the contract MOS to another MOS

(4) Section IX (Authentication) states the applicant understood that at the time of his signature, the incentive he contracted for was invalid without the automated recording of the form on the date of the contract and would be held to the terms of service obligation of the addendum. He also understood he must complete the enlistment contract on the same date as the addendum.

b. The applicant's NGB Form 600-7-1-R-E dated 5 November 2013 shows the applicant enlisted for a critical skill in the grade of SPC/E-4 or below in MOS 68W for a NPSEB of \$7,500.00 for a 6-year service obligation. The first installment of 50 percent was to be paid upon completion of AIT and the awarding of the MOS.

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inactivation, relocation, reorganization or conversion, provided he met all other eligibility criteria and became duty MOS qualified within 24-months.

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c. On 25 March 2014, Orders Number 4097015, issued by the Military Entrance Processing Station, ordered the applicant to initial active duty for training, effective 7 April 2014, for completion of Basic Combat Training and AIT for MOS 68W.

d. On 27 May 2014, Orders Number 147-346, issued by Headquarters (HQs), U.S. Army Garrison, Fort Sill, assigned the applicant to Fort Sam Houston, effective 22 June 2014 for training in MOS 68W.

e. On 14 August 2014. Orders Number 226-201, issued by HQs, U.S. Army North (Fifth Army) Military Personnel Division, awarded the applicant the primary MOS of 68W, effective 5 September 2014.

f. The applicant was honorably released from active duty on 5 September 2014. A DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-months and 29-days of active service. It also shows in item 11 (Primary Specialty) 68W (Health Care Specialist) and in item 14 (Military Education) the applicant completed the Health Care Specialist Course in 2014 over a 16-week period.

g. On 26 September 2019, the applicant extended his enlistment in the ARNG for a period of one year.

h. On 10 September 2020, the applicant extended his enlistment in the ARNG for a period of 3 years.

i. On 29 March 2021, Orders Number 1089686, issued by [REDACTED] ARNG ([REDACTED] ARNG) Army Element Joint Force HQs, assigned the applicant as a 68W to an Information Technology Specialist position, effective 29 March 2021.

j. On 30 March 2021, Orders Number 1091564, issued by the [REDACTED] ARNG Augoe Army Element Joint Force HQs, awarded the applicant primary MOS 25B (Information Technology Specialist) and secondary MOS 68W, effective 16 March 2021.

k. On 27 September 2022, the applicant extended his enlistment in the ARNG for a period of two years.

l. On 29 September 2022, Orders Number 272-004H, issued by the Joint Force HQs, [REDACTED] ARNG, ordered the applicant to full time NG duty in an Active Guard/Reserve status, effective 1 October 2022.

m. On 6 July 2023, Orders Number 5275994, issued by the [REDACTED] ARNG, awarded the applicant primary MOS 42A (Human Resources Specialist) and alternate MOS 68W, effective 1 July 2023.

n. On 22 March 2024, Orders Number 27-082-0038, issued by the [REDACTED] Military Department, The Adjutant General's Office, ordered the applicant to active duty in support of Counter Terror Execution Order - United States Africa Command, effective 28 April 2024.

4. On 30 January 2024, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request for the reinstatement of his NPSEB. The advisory official stated it was recommended the applicant's request be disapproved.

a. The applicant signed a 6-year bonus contract on 17 October 2013 as a 35F for \$15,000.00. The applicant's DD Form 4 was executed on the same day as his bonus addendum. This contract shows to be invalid in the Guard Incentive Management System (GIMS). On 5 November 2013, he then switched his MOS to 68W prior to his departure for training and signed another bonus addendum for \$7,500.00. His DD Form 4 was not signed again but there was a DA Form 4178 (Personnel Action) dated 5 November 2013 that noted the change in unit identification code and MOS. An exception to policy was requested for the change but was denied on 30 September 2015 which invalidated both of the applicant's contracts. However, if the exception to policy had been approved and validated, the contract still would have been terminated with recoupment effective 19 October 2015 as the applicant failed two consecutive APFTs.

b. The Reserve Component Manpower System screenshot provided by the NGB shows the applicant passed the APFT in July 2014 and failed the APFT in April and October 2015.

5. On 2 February 2024, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. 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 not warranted.
2. The Board concurred with the conclusion of the advisory official that the evidence does not support granting the applicant's request for payment of his enlistment bonus. The Board determined his failure of two consecutive APFTs made him ineligible for the enlistment incentive and, therefore, his request should be denied.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|   |   |   |                      |
|---|---|---|----------------------|
| : | : | : | 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.

9/18/2024

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. National Guard Regulation 600-7 (Selected Reserve Incentive Programs), prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs. Paragraph 1-20 (Termination), a Soldier's incentive eligibility and entitlement stop when any of the termination reasons apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive. Repeat APFT failure or failure to meet body fat standard within a one-year period will result in the suspension of an incentive. Two consecutive APFT or body fat standard failures will result in the termination of an incentive.
3. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), in effect at the time, prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA), the U.S. Army Reserve (USAR), and the Army National Guard (ARNG).

a. Paragraph 9–18 (Enlistment Program 9L, U.S. Army Reserve Component Incentive Enlistment Program (non-prior Service Enlistment Bonus, prior service Enlistment Bonus, Montgomery GI Bill-SR Kicker, Loan Repayment Program)), this program is available to qualified NPS, PS, Glossary NPS, and ACASP applicants enlisting for the minimum term of enlistment, when authorized under the SRIP as described in chapter 10, this regulation or in AR 621–202 (Army Educational Incentives and Entitlements). The current year approved Selected Reserve Incentive Program will describe all approved Reserve Component incentives.

b. Paragraph 10-3 (Termination of incentives), incentive eligibility will be stopped when any of the termination reasons as listed below apply and that member shall not be eligible to receive any further incentive payments, except for service performed before the termination date. Once declared ineligible, termination of an incentive will not affect a Soldier's responsibility to serve his or her current statutory or contractual service commitment. Termination of eligibility to an incentive will occur, if a Soldier:

- Becomes an unsatisfactory participant, termination date entered into the personnel data reporting systems must be the date the Soldier is declared an unsatisfactory participant
- Fails to become MOS qualified for which contracting
- Accepts a permanent military technician or AGR position where membership in the SELRES is a condition of employment and have served less than six months of the incentive contract term (temporary assignment as a military technician for a period of less than six months is excluded)
- Voluntarily moves to a non-bonus unit or MOS
- Exceeds the maximum authorized period of non-availability
- Fails to extend the contracted term of service for an authorized period of non-availability
- Separates from a Selected Reserve unit or the Individual Ready Reserve (IRR) of the USAR or ARNGUS for any reason; Separation includes, but is not limited to:
  - Discharge, or transfer to the IRR, Inactive National Guard, Standby, or Retired Reserve
  - Enlistment or appointment in the Active Army or in an Active or RC of another U.S. Armed
  - Voluntary entry or ordered to extended active duty in the Active Army
  - Has received the maximum benefit authorized

//NOTHING FOLLOWS//