

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20230007780

APPLICANT REQUESTS: in effect, correction to National Guard Bureau (NGB) Form 600-7-1-R-E ((DD Form 4 (Enlistment/Reenlistment Document)) Annex E Enlistment Bonus Addendum Army National Guard (ARNG) of the United States), to reflect the following:

- military occupational specialty (MOS) of 11B (Infantryman)
- add the corrected NGB Form 600-7-1-R-E to his current contract
- payment of Enlisted Affiliation Bonus (EAB) in the amount of \$20,000

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4
- DA Form 5691 (Request for Reserve Component Assignment Orders), 22 November 2021
- DA Form 5690 (Reserve Components Career Counselor Interview Record), 22 November 2021
- DA Form 7249 (Certificate and Acknowledgment of Service Requirements and Methods of Fulfillment for Individuals Enlisting or Transferring into Units of the Army National Guard upon release from active duty/Discharge from Active Army)
- NGB Form 600-7-1-R-E
- DA Form 4187 (Personnel Action)
- Enlisted Record Brief

FACTS:

1. The applicant states he originally reenlisted ARNG in his primary MOS as a 13B (Cannon Crewmember), for an assignment as a staff sergeant (SSG)/E-6. During his transition, he realized this assignment was for a sergeant (SGT)/E-5, so his unit reassigned him to a SSG/E-6 position with his secondary MOS of 11B. However, this move rendered the contract invalid, and he could not submit an exception to policy (ETP), therefore he was unable to receive his EAB.

2. A review of the applicant's service record shows:

- a. He enlisted in the Regular Army (RA) on 10 April 2017.
  - b. On 22 November 2021, he enlisted in the ARNG, with an effective date of 10 April 2022.
  - c. NGB Form 600-7-4-R-E, 22 November 2021, reflects the applicant elected to reenlist/extend in MOS 13B for which he is currently Duty MOS Qualified (DMOSQ), for 3 years with a total EAB entitlement of \$20,000.
  - d. DA Form 5691, 22 November 2021, reflects he voluntarily accepted an assignment as a 13B, with [REDACTED] ARNG ([REDACTED] ARNG), for 3 years.
  - e. DA Form 5690, 22 November 2021, reflects he was interviewed by the Reserve Component (RC) career counselor, on his obligation and participation requirements.
  - f. DA Form 7249, 22 November 2021, reflects he accepted enlistment into the Army National Guard of the United States (ARNGUS) as a prior service member, who was released prior to completion of the 8-year service obligation, for 3 years with a total EAB entitlement of \$20,000.
  - g. His DD Form 214 shows he was honorably released from active duty on 9 April 2022, after the completion of required active service. He completed 5 years of active service, and his grade/rank at the time of separation was SSG/E-6.
  - h. DA Form 4187, 21 June 2022, reflects he was promoted to the grade/rank of SSG/E-6, while on terminal leave. He accepted the reassignment into the 11B, SSG/E-6 position to ensure he does not lose medical coverage, with the understanding he had to submit an ETP in order to retain the incentives associated with his contract. The action was approved.
3. On 8 March 2024, the National Guard Bureau provided an advisory opinion. They recommended approval.
- a. The [REDACTED] ARNG determined that the applicant contracted before he left active duty with the [REDACTED] ARNG for a unit and slot that was eligible for a bonus, as a SGT/E-5. During the duration of his terminal leave he was promoted to SSG/E-6. Once he was accessed in the [REDACTED] ARNG, a unit and slot assignment as a SSG/E-6 in MOS 13B was not available, and therefore he was assigned to a SSG/E-6 position with his secondary MOS of 11B, which was not eligible for a bonus.
  - b. It is the recommendation of this office in coordination with the [REDACTED] ARNG that the applicant's enlistment contract be validated, and that he maintains his bonus incentive of \$20,000.00. He enlisted in the ARNG on 22 November 2021 while still serving in the

Regular Army, with a start date of 10 April 2022. The FLARNG was aware of his promotion to SSG/E-6 but did not properly access that his bonus incentive would be invalidated if he was to be assigned into another position other than the one he enlisted for. He was not given the opportunity to request an exception to policy and therefore his contract was invalidated. The ■■■ ARNG agrees that the applicant should have his incentive validated as he was not at fault that he was assigned to another position.

4. On 11 March 2024, the applicant was provided a copy of the advisory opinion with the opportunity to respond. 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 relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed and concurred with the National Guard Bureau's advisory finding at not fault of the applicant, he was assigned to another position and not given an opportunity to request an exception to policy. The applicant was assigned to a SSG/E-6 position in his secondary MOS as a 11B and therefore his record should be amended to reflect his eligibility in that MOS.

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 and Army National Guard records of the individual concerned be corrected by:

- amending his National Guard Bureau (NGB) Form 600-7-1-R-E ((DD Form 4 (Enlistment/Reenlistment Document)) Annex E Enlistment Bonus Addendum Army National Guard (ARNG) of the United States), to reflect the following the military occupational specialty (MOS) of 11B (Infantryman)
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3/25/2025

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. Army Regulation 15-185 (Army Board for Correction of Military Records), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 601-280 (Army Retention Program), provides that Military Occupational Specialties (MOS) designated for the Selective Retention Bonus (SRB) Program will be announced by message from HRC Retention and Reclassification Branch. The SRB Program is a retention incentive paid to Soldiers who reenlist for a minimum of 3 years in a military skill designated as critical. The objective of the SRB Program is to increase the number of reenlistments in critical MOSs that do not have adequate retention levels to man the force. The bonus will be paid in addition to any other pay and allowances to which the Soldier is entitled.

a. Soldiers who reenlist for training in a new Primary MOS (PMOS) designated as critical as announced by MILPER messages for an SRB will not receive their bonus payment until they have successfully graduated the associated training and are subsequently assigned in that Primary MOS.

b. The total amount of the bonus will be determined by computing the Soldier's additional obligated service. The SRB will be specified by MILPER message guidance and adhere to limitations specified by DoDI 1304.31. The total combined retention bonus payments over a career shall not exceed \$200,000 unless exempted by the Under Secretary of Defense.

3. Department of Defense Instruction (DoDI) 1304.31 (Enlisted Bonus Program) provides that the Secretaries of the Military Departments may pay a bonus under the Enlisted Bonus Program (in accordance with Title 37, USC, section 331) to persons or members, as appropriate, to support recruiting and retention efforts in designated military skills, career fields, units, or grades, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. To be eligible the member signs an agreement with the Secretary of the Military Department concerned to serve on active duty or in an active status for a specified period, in a designated military specialty or skill, career field, unit, or grade, successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid.

4. Title 10 (Armed Forces), U.S. Code, section 1556 (Ex Parte Communications Prohibited) requires the Secretary of the Army to ensure that an applicant seeking

corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicant's (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//