

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20230007793

APPLICANT REQUESTS: payment of his \$12,000 reenlistment bonus.

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

- DD Form 149 (Application for Correction of Military Record)
- Bonus 1
- Bonus Traffic 2
- Bonus Traffic 3
- Bonus Traffic 4
- Bonus Traffic 5
- Bonus Traffic 6
- Bonus Traffic 7

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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, he was to receive a reenlistment bonus in 2015 but was never paid. He has been working with his chain of command and [REDACTED] Army National Guard ([REDACTED] ARNG) Joint Force Headquarters Education Office since 2017 with no results. In support of his request, the applicant provides documentation showing his efforts to be paid his bonus.
3. A review of the applicant's service record shows the following:
 - a. On 3 August 2005, after completing over a year in the U.S. Army Reserve, the applicant enlisted into the [REDACTED] ARNG for 6 years. Through extensions, the applicant continued his [REDACTED] ARNG service.
 - b. On 29 June 2015, based on extending his enlistment for 6 years, the applicant signed a National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form

4 (Enlistment/Reenlistment Document – Armed Forces of the United States) or DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) Reenlistment/Extension Bonus (REB) Addendum – ARNG of the United States). On the form, the applicant agreed to 13 stipulations in exchange for receiving an REB of \$12,000.

c. Effective 1 May 2023, NGB Special Orders (SO) Federally recognized the applicant's appointment to warrant officer one (WO1). Effective 29 September 2023, NGB SO Federally recognized the applicant's promotion to chief warrant officer two (CW2). On or about 1 October 2024, [REDACTED] ARNG orders directed the applicant to enter Full-Time National Guard Duty, per Title 32 (National Guard), U.S. Code, section 502 (f) (1) (B) (Required Drills and Field Exercises); he currently is serving on those orders.

4. On 2 April 2024, the NGB provided an advisory opinion and recommended approval of the applicant's request.

a. On 29 June 2015, then-Staff Sergeant [applicant] extended his enlistment in the [REDACTED] ARNG for 6 years and was supposed to receive a \$12,000 bonus in military occupational specialty (MOS) 35M (Human Intelligence Collector). The bonus was to be paid in two installments, with the first payment being for 50 percent of the amount and the final 50 percent paid on the 4-year anniversary of the applicant's extension agreement.

b. "A review of the Soldier's claim was conducted by this office and revealed that the Soldier had a previous 6-year enlistment bonus of \$5,000.00 which was signed on 22 June 2004. This initial enlistment had not yet closed during [applicant's] second bonus due to a pending exception to policy (ETP) on a final payment from his initial enlistment. The ETP was denied on 16 May 2019."

c. "A review of the Soldier's incentives records in the Guard Incentives Management System (GIMS) show that, after [applicant] converted to become a Warrant Officer in the same career field (Military Intelligence), there was an attempt to terminate his bonus, per Section VI (Termination) of the addendum, which stipulates that a bonus may be terminated if the Soldier voluntarily changes his REB MOS during the contractual obligation."

d. "It is the recommendation of this office that the applicant's request to have their 2015 extension bonus addendum be verified and established. Once established, a payment of \$12,000.00 should be approved and paid to the Soldier for completing his contractual obligation per the addendum."

(1) "GIMS notes show that [REDACTED] ARNG had, at one point, attempted to terminate his bonus because the Soldier had changed his MOS when he converted to become a

Warrant Officer. This action was not correct, because the Soldier's MOS change from 35M to 351M happened outside of the Soldier's contractual obligation timeline."

(2) "GIMS notes also showed that the [REDACTED] ARNG had attempted numerous times to establish the Soldier's bonus, however they were block(ed) from doing so due to the length of time it took for the Soldier's ETP issue to be resolve(d), and once resolved the MSARNG was block(ed) due to the constraints of the barring act (referring to Title 31 (Money and Finance), section 3702(b)(1) (Authority to Settle Claims), which establishes a 6-year time limit for filing claims against the U.S. government)."

5. On 5 April 2024, the Army Review Boards Agency provided a copy of NGB's advisory opinion to the applicant for his review and the opportunity to submit a written rebuttal. The applicant 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 warranted.

2. The Board concurred with the conclusion of the advisory official that the applicant was authorized an REB based on the extension of his enlistment in 2015, but through no fault of his own, payment of the incentive was delayed and eventually impacted by the Barring Act. The Board determined the applicant's record should be corrected to show his eligibility for the REB was confirmed and authorization for payment was established in the system of record in a timely manner.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

[REDACTED]	[REDACTED]	[REDACTED]	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 showing his eligibility for the REB he contracted for in 2015 was confirmed and authorization for payment was established in the system of record in a timely manner.

12/8/2024

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, U.S. Code, 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 (SRIP)) governs policies and procedures for the administration of the Army National Guard (ARNG) SRIP programs. Chapter 2 (Enlisted Incentives), section IV (Reenlistment/Extension Bonus (REB)) states:

a. Paragraph 2-14 (General). Under the provisions of Title 37 (Pay and Allowances of the Uniformed Services), U.S. Code, section 308b (Special Pay: Reenlistment Bonus), an enlisted member of the Selected Reserve (members of the Ready Reserve who are considered to be in an active status) who has completed less than 20 years of total military service and who voluntarily reenlists or extends in a designated skill or unit for at least three years may be paid an REB the day after their current scheduled Expiration Term of Service (ETS).

(1) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release exceeds 24 years may not be used in computing the total incentive amount.

(2) Soldiers reenlisting or extending for this incentive must execute a written agreement to serve as an enlisted member in the SELRES and meet the eligibility criteria in accordance with governing law and Department of Defense, U.S. Army, and Army National Guard (ARNG) regulations, or as outlined in the current Fiscal Year Selected Reserve Incentive Program policy.

b. Paragraph 2-14 (Entitlement). Entitlement to an REB for an immediate reenlistment or extension begins on the date after expiration term of service (ETS). The unit commander must ensure that Soldiers are counseled when they reenlist or extend that they will not receive payments immediately under this program. Payments will be processed through personnel pay channels upon verification of all contractual documentation and meeting the terms and conditions outlined in the incentive agreement.

c. Paragraph 2-15 (Eligibility). To be eligible, the Soldier must complete the following:

- Contract for not less than a three or six year term of service
- Be the primary position holder, not in an over-strength or excess status and in a military occupational specialty that matches the authorized military grade and skill qualification commensurate with the position for which he/she is reenlisting/extending
- Reenlist/extend duty MOS qualified
- Have less than 20 years' time in service at time of current ETS to include one inclusive day
- Be within 365 days of, or 24 hours after, the ETS of their current ARNG enlistment, reenlistment or extension contract
- Not be under any current suspension of favorable personnel actions
- Not be in a permanent or indefinite military technician assignment requiring dual status
- Not be in the Active Guard/Reserve
- Be a satisfactory participant in the SELRES
- Reenlist or extend for the required term in either a critical MOS or unit
- Execute a written agreement on the same date as either the DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) or DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) that is used to affect the reenlistment or extension
- Only be offered an incentive if funding is available

d. Paragraph 2-16 (Processing).

(1) REB addendums are only valid when the incentive written agreement has a bonus control number on the addenda approved and generated through the incentive management system only.

(2) Reenlistment or extension for an REB will be executed within current guidance and any additional requirements directed by the Director, ARNG or the current FY SRIP policy.

(3) For all other processing steps refer to the incentives management system user guide or as outlined in the current FY SRIP policy in effect.

//NOTHING FOLLOWS//