

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230007911

APPLICANT REQUESTS: exception to policy for payment of the \$10,000 Officer Affiliation Bonus in the U.S. Army Reserve.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 (Chronological Statement of Retirement Points)
- Request for Reserve Component Assignment Orders
- Written Agreement – United States Army Reserve (USAR) Officer/Warrant Officer Affiliation Bonus Acknowledgement
- Memorandum, 25 July 2022, Subject: Corrections to USAR contract for [Applicant] to the USAR contract signed and accepted
- Reserve Component Career Counselor Interview record
- Email exchange and statements
- Incoming Transitioning Soldier memorandum

FACTS:

1. The applicant states the U.S. Army Human Resources Command (HRC) failed to recognize that his ongoing service obligations made him ineligible for the Officer Accession Bonus (OFAB), as clearly stated in the regulations. This oversight led to the flawed offering and subsequent approval of the OAFB.

a. He was offered an erroneous offering and approval of the Officer Affiliation Bonus (OAFB) by HRC. The error occurred because he was serving under his initial statutory Military Service Obligation (MSO) and Officer Candidate School contractual MSO at the time of his U.S. Army Reserve (USAR) affiliation. According to Army Regulation (AR) 600-8-24 (Officer Transfers and Discharges), AR 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures), and Department of Defense Instruction (DoDI) 1304.34, officers with a service obligation are not eligible for a bonus until all obligations are complete. The HRC Retirement and Separations Branch approved his unqualified resignation and notified him that his approved Release from Active Duty (REFRAD) constituted acceptance of a reserve appointment with a \$10,000 bonus upon completion of Military Intelligence Captains

Career Course. His release from active duty order was published on January 31, 2022, annotating his date of reserve obligation as May 15, 2026. The error lies in the fact that he was offered the OAFB despite having an eight-year service obligation from his date of appointment, as stated by AR 600-8-24. The U.S. Army Reserve Command G-1 did not have the authority to grant exceptions to policy concerning the DoDI. Therefore, the error or injustice in his military records is the offering and approval of the OAFB, which should not have been offered to him due to his ongoing service obligations.

b. He was falsely offered and was approved for the Officer Affiliation Bonus (OAFB) by the U.S. Army Human Resources Command (HRC) in relation to his Reserve Contract. He had a clear and documented service obligations, was led to believe he was eligible for the OAFB and compelled to make decisions based on incorrect information. The error in offering and approving the bonus, as well as the misinformation regarding reserve appointment and associated benefits, have caused an unjust situation for him. He believes he should still be entitled the contractual OAFB. The error can be attributed to a misinterpretation or oversight of the applicable regulations and policies by the HRC staff responsible for handling the OAFB program.

2. Review of the applicant's service records shows:

a. He enlisted in the U.S. Army Reserve on 16 May 2018 for 8 years. He agreed to serve 3 years and 29 weeks on active duty and 4 years and 23 weeks in a Reserve Component. His military service obligation (MSO) was established as 15 May 2026.

b. On 14 August 2018, he enlisted in the Regular Army for 3 years and 29 weeks. He entered active duty on that date and completed basic combat training and Officer Candidate School (OCS).

c. He was honorably discharged from active duty on 21 February 2019 to accept appointment as a commissioned officer. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 6 months and 8 days active service.

d. He executed an oath of office on 22 February 2019 and was appointed a Regular Army Military Intelligence commissioned officer of the Army and continued his active service, as a commissioned officer.

e. On 27 October 2021, in anticipation of his upcoming release from active duty, he requested a Reserve Component Assignment Order to the 7th Civil Support Command. He also signed a Written Agreement – United States Army Reserve (USAR) Officer/Warrant Officer Affiliation Bonus Acknowledgement.

(1) In connection to his assignment to the above unit of the Selected Reserve (SELRES) of the USAR, for an affiliation bonus, he acknowledged that he meets the eligibility criteria

(2) He agreed to serve in the SELRES in a critical officer/warrant officer skill and/or unit (Area of Concentration/Military Occupational Specialty/Unit Identification Code) (AOC/MOS/UIC) or pay grade that is designated for bonus entitlement by the Secretary of the Army or his delegate. If serving in a 01A, 01C, 01D, 011, 02A, or 02B position, he meets bonus eligibility in his current AOC/MOS or he agrees to complete AOC/MOS training in a bonus eligible AOC/MOS within 24 months of affiliation date.

(3) He is currently serving on Active Duty (AD) for more than 30 days or he is a member of a Reserve Component not on AD and, if he previously served on AD, he was released from that duty under honorable conditions.

(4) He is eligible for an Affiliation Bonus by affiliating from Active Duty, into a USAR SELRES unit for the amount of \$10,000.00.

(5) The Written Agreement is not signed by a service representative.

f. On 4 January 2022, HRC approved his release from active duty effective 31 March 2022 with a stipulation that his release from active duty notice constituted acceptance of a Reserve appointment. If the officer does not want to accept the appointment, the officer must submit a request to withdrawal his/her resignation before the approved date of REFRAD and remain on active duty.

g. He was honorably released from active duty on 31 March 2022, and he was transferred to the U.S. Army Reserve. His DD Form 214 for this period shows he completed 3 years, 1 month, and 9 days of active service. This DD Form 214 lists the applicant's MSO (Military Service Obligation) as 2026-05-15.

g. On 1 April 2022, he was appointed a Reserve commissioned officer of the Army. He was promoted to captain in the USAR in October 2023.

3. On 17 November 2023, the U.S. Army Reserve Command (USARC) provided an advisory opinion in the processing of this case. A USARC advisory official does not recommend approval. The official stated:

a. The applicant affiliated with the United States Army Reserve (USAR) on 27 October 2021 for a six-year term with a \$10,000 Officer Affiliation Bonus (OAFB) in Area of Concentration (AOC) 35A, Military Intelligence Officer. The USAR Pay Center did not pay the OAFB due to the applicant's OAFB Written Agreement (WA) missing the Service Representative signature and the action missing the applicant's AOC award

memorandum. Army policy requires the Written Agreement to contain all required signatures and be dated the same date to be considered a valid contractual agreement. Army policy also requires Service Members to be AOC qualified within 24 months of their USAR assignment to retain OAFB payment eligibility. According to the Army Training Requirements and Resources System (ATRRS), the applicant will complete 35A reclassification training on 12 November 2023, and the OAFB would only be eligible for payment after course completion and 35A AOC orders are published.

b. Additional research revealed that the applicant was serving under his initial statutory Military Service Obligation (MSO) and Officer Candidate School (OCS) contractual MSO at the time of his USAR affiliation. The applicant's Date of Initial Entry Military Service is 16 May 2018, establishing an initial statutory MSO of 15 May 2026. His date of appointment is 22 February 2019, which establishes a commissioned (contractual) service obligation of 21 February 2027.

c. Title 10 U.S.C. 7448, Army Regulation (AR) 600-8-24, and AR 135-91 state that all officers have an eight-year service obligation from their date of appointment. Department of Defense Instruction (DoDI) 1304.34 states that an officer who has a service obligation is only eligible for a bonus pursuant to this issuance once all service obligations are complete. On 4 January 2022, the Human Resources Command (HRC), Retirement and Separations Branch approved the applicant's Unqualified Resignation and notified him that his approved Release from Active Duty (REFRAD) constituted acceptance of a reserve appointment and that if he did not desire a reserve appointment, then he would need to withdraw his resignation before his approved REFRAD date and remain on active duty. On 31 January 2022, his REFRAD order was published, and annotated his reserve obligation date was 15 May 2026. The applicant states that the bonus was the only reason he stayed in the army after his Active-Duty Service Obligation. However, the applicant has an eight-year initial statutory and contractual obligation, which must be served with either the Active Army or with the USAR regardless of a bonus being offered. In this case, the HRC-Reserve Component Transitions Office erroneously offered him the OAFB. The United States Army Reserve Command G-1 does not have the authority to grant exceptions to policy in cases when public law and DoDI are concerned. Based on the information provided in this case, the United States Army Reserve Command (USARC) G-1 recommends no relief.

4. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a rebuttal. However, 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The

evidence of record shows the applicant was offered an Affiliation Bonus in error. Aside from the fact that it was not signed by an Army representative, the applicant did not qualify for this bonus because at the time of his transition from the Regular Army to the USAR, he had not completed his service obligations. The Board was not persuaded by his argument that this bonus was the only reason he stayed in the army after his active-Duty. The Board agreed with the advisory official's determination that approval of his release from active duty constituted acceptance of a reserve appointment and that if he did not desire a reserve appointment, then he would need to withdraw his resignation before his approved release date and remain on active duty. The Board found no error or injustice.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

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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:

Department of Defense Instruction (DODI) 1304.34, General Bonus Authority for Officers, establishes policy, assigns responsibilities, and prescribes procedures for the payment of a bonus, in accordance with Section 332 of Title 37, United States Code (U.S.C.), to persons, members, or officers who:

- Accept a commission or appointment as an officer in a Military Service
- Affiliate with a Reserve Component of a Military Service
- Continue to serve in a Military Service
- Transfer between Regular and Reserve Components of the Military Service; or
- Transfer from one Military Service to another

a. Paragraph 3.1 The Secretaries of the Military Departments may pay a bonus pursuant to the officer bonus program, in accordance with Section 332 of Title 37, U.S.C. Such a bonus is made to persons or officers, as appropriate, to support accession and retention efforts for a designated military specialty, career field, unit, or grade, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned.

(1) The Secretaries of the Military Departments may pay a bonus in accordance with the officer bonus program to a person, member, or officer in the Military Services who affiliates as an officer with a Reserve Component of a Military Service;

(2) An officer receiving pre-commissioning compensation in accordance with Sections 2106, 2107, and 2107a of Title 10, U.S.C., or financial assistance through a loan repayment program pursuant to Sections 16201, 16301, 16302, or 16303 of Title 10, U.S.C., is not eligible for a bonus pursuant to this issuance until the military service obligation (MSO) is completed. [MSO is the total required service (active duty and reserve) that an individual must serve upon accepting an appointment with a military service].

b. Paragraph 3.3, Reserve Component Affiliation Bonus: General. The affiliation bonus authorized in accordance with Section 332(a)(2) of Title 37, U.S.C., and implemented by this issuance offers a monetary incentive for an officer to affiliate with the SELRES of a Military Service.

(1) The bonus is authorized when an officer affiliates with the SELRES of a Military Service and agrees to serve for a specified period, not less than 3 years, of obligated service in a military skill designated critical by the Secretary of the Military Department concerned or to meet manpower shortages in a SELRES unit or officer pay grade. Additionally, the Secretary of the Military Department concerned may, with the

officer's consent, convert the officer to a designated career field or military skill in which there is a shortage of trained and qualified personnel.

(2) Consistent with Section 332(a)(2) of Title 37, U.S.C., the procedures described in Paragraphs 3.1. and 3.3. of this issuance, as well as additional conditions and requirements prescribed by the Secretary of the Military Department concerned, govern the award and administration of a Reserve Component affiliation bonus.

c. Additional Reserve Component Affiliation Bonus Eligibility. In addition to meeting the eligibility requirements in Paragraph 3.1.b. of this issuance, an eligible officer also must meet the following requirements:

- Be serving in the Ready Reserve or Standby Reserve of a Military Service; or
- Be serving or have served in the Regular Component for a period of more than 30 days and have been released under honorable conditions.
- Execute an agreement to serve as an officer in the SELRES for a service obligation of at least 3 years.
- Have fewer than 15 years of qualifying military service towards a regular or non-regular retirement, in accordance with DoDI 1215.07.

d. Additional Guidelines.

(1) Individuals may receive more than one affiliation bonus in a career, though not for the same military skill, grade, or unit.

(2) An officer may receive an affiliation and transfer bonus as long as he or she serves the service obligations for each bonus consecutively. Additional information on transfer bonuses can be found in Paragraph 3.5. of this issuance.

(3) Officers signing up for an affiliation and a transfer bonus at the same time will incur an additional 12-month service obligation rather than an additional 24-month service obligation, as otherwise prescribed. The minimum service obligation for an officer receiving both bonuses is 4 years.

d. Amount of Payment. The maximum affiliation bonus may not exceed \$10,000 for a minimum 3-year service obligation.

//NOTHING FOLLOWS//