

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230008139

APPLICANT REQUESTS:

- payment of her prior service enlistment bonus (PSEB)
- personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Diploma Internment/Resettlement Specialist
- Orders 127-1009 Award of Military Occupational Specialty (MOS)
- NGB Form 22 (Report of Separation and Record of Service)
- Orders 270-1057 Discharge from the Army National Guard (ARNG)
- Re-Enlistment Eligibility Data Display (REDD) Report
- Memorandum Exception Selected Reserve Incentive Program (SRIP)
- Memorandum for Record (MFR) Exception to Policy (ETP)

FACTS:

1. The applicant states:

a. She is being told she will not receive her enlistment bonus. Her bonus issue has to do with getting MOS qualified, during her first contract, which started in 2007. Her MOS was awarded to her and she received a bonus on that contract for the MOS 31E (Corrections and Detention Specialist). Her REDD report and NGB Form 22 both reflect the 31E MOS.

b. She rejoined the ARNG in 2020 after a break in service, in a 31E MOS slot. It is now being said that she never attained the 31E MOS and that she will not get her PSEB on her new contract. Originally, she was told that her 2009 bonus payout would be recouped as well based on not being qualified in her MOS.

c. She submitted an ETP in August 2022. The recoupment had been cancelled, but she was not awarded her bonus. She joined in good faith. She had another MOS option

to join had she known this would be a problem. She has been doing and continues to do everything she is supposed to as an [REDACTED] ARNG ([REDACTED] ARNG) Soldier.

d. First and foremost, she completed the 31E MOS school. The schoolhouse stated she was recycled, this is not true. She completed all required parts of the school, which was verified by the state, when she returned home. She never had a lapse in her security clearance.

e. Second, even had there been an issue, it was unbeknownst to the applicant. She has several forms of documentation showing she successfully completed the school.

f. If the ARNG was showing an inaccuracy with these records, it should have been brought to her attention at the Military Entrance Processing Station (MEPS), when she signed a PSEB contract. However, the representative that prepared and signed the paperwork with the applicant was also unaware of an issue.

2. The applicant provides the following documents:

a. Orders 270-1057, published by Joint Forces Headquarters Indiana, dated 26 September 2012 honorably discharged the applicant from the [REDACTED] Army National Guard ([REDACTED] ARNG) and as a Reserve of the Army, effective 31 August 2012. Her Selective Reserve Incentive Program (SRIP) was terminated with recoupment effective 31 August 2012. The orders do not indicate her MOS, at the time of her discharge. She also received a reenlistment code of RE-3.

b. REDD Report, dated 26 October 2020 shows the applicant had service in the ARNG from 21 December 2007 through 31 August 2012. Her MOS was 31E10.

c. Memorandum from the applicant's commander, subject Exception to SRIP Policy for the applicant, dated 18 August 2022, states:

(1) The purpose was to endorse the requested ETP for the applicant.

(2) The applicant received a \$20,000 incentive for contracting for the 31E (Corrections/Detentions Specialist) MOS. The applicant has satisfactorily upheld her Guard obligations as stated in her contract and the command did not believe the applicant should be held at fault due to an error not in her making. The commander endorsed the ETP.

(3) The applicant had no knowledge that she was not a graduate of 31E MOS school. She arrived from training at the 387th and served her entire contract honorably and without issues. She has a graduation certificate; award order awarding her the

MOS signed by The Adjutant General, during her initial contract; and was then allowed to serve out her contract as a 31E, meeting all required training tasks and assemblies.

d. Memorandum from the MEPS Guidance Counselor, ETP for PSEB for the applicant, dated 25 August 2022, states the applicant enlisted into the ■ ARNG on 21 December 2020. She appeared to be MOS qualified as a 31E pursuant to her NGB Form 22 and REDD report. As the MEPS Guidance Counselor, the author locked her into a training reservation, properly secured her duty MOS qualified 6-year PSEB for \$20,000, generated the Annex X for the PSEB, and ensured it populated on her DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States). The counselor was unaware that an NGB Form 22 and/or REDD report could not be used to validate an awarded MOS. This was of no fault of the applicant.

3. The applicant's service record contains the following documents:

a. DD Form 4, dated 21 December 2007 shows the applicant enlisted in the ARNG.

b. United States Army Military Police School Diploma, dated 29 January 2009 shows the applicant had been declared a graduate of Internment/Resettlement Specialist 31E Class from 24 November 2008 through 29 January 2009.

c. Orders 71-660, published by United States Army Maneuver Support Center and Fort Leonard Wood, dated 12 March 2009 awarded the applicant the MOS of 88M (Motor Transport Operator) effective 17 April 2009 or upon completion of training.

d. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant entered active duty, as a member of the ARNG, on 8 September 2008 and was honorably released from active-duty training to her ■ ARNG unit on 17 April 2009. She received the MOS of 88M. This document also reflects in item 14 (Military Education) "Motor Transport Operator, 6 weeks, 2009", and she signed this form.

e. Orders 127-1009, published by Joint Forces Headquarters Indiana, dated 7 May 2009 awarded the applicant the primary MOS of 31E and a secondary MOS of 88M effective 29 January 2009.

f. NGB Form 22, shows the applicant was honorably discharged from the ■ ARNG effective 31 August 2012. In item 12 (Military Education) it shows she completed Motor Transport Operator Course in 2009 and Internment Resettlement Specialist Course in 2009. In item 13 (Primary Specialty Number, Title and Date Awarded) shows her primary MOS as 31E (Internment Resettlement Specialist) 17 April 2009 and her secondary MOS as 88M (Motor Transport Operator) 17 April 2009. She had initial active duty training from 8 September 2008 through 17 April 2009. There is no indication on her NGB Form 22 that she was a SRIP recipient.

g. DD Form 4, dated 21 December 2020 shows the applicant enlisted in the INARNG for a period of 6 years.

h. NGB Form 600-7-6-R-E (Annex X to DD Form 4, PSEB, Addendum), dated 21 December 2020, states:

(1) Section I – General: This addendum will be completed by all persons accepting assignment to the ARNG with entitlement to an enlistment bonus under the SRIP. The Service Representative will explain the requirements contained within this document. The original copy of this form (NGB 600-7-6-R-E) will be attached and listed as Annex X on the Department of Defense (DD) Form 4. A copy will be furnished to the Soldier.

(2) Section II – Eligibility: in pertinent part:

- “I am enlisting either Duty Military Occupational Specialty Qualified (DMOSQ) or Non Duty MOSQ in a Military Occupational Specialty(MOS) within substitution rules of DA Pam 611-21, for the duty position to which I am being assigned that matches the authorized military grade and skill qualification commensurate with the position by skill level into a UIC and Critical Skill(CS) vacancy in the grade of E7 or below, Par/Lin within the applicable Tier level and term of service IAW with the applicable ARNG SRIP.

- I understand that if I am Non DMOSQ at the time of enlistment I must contract for a minimum 6-year term. If I am DMOSQ at the time of enlistment, I may contract for either a three or six year term of service.

- I further obligate to serve in the same Military Department and in the same UIC and Critical Skill for which the bonus is approved, unless excused for the convenience of the Government.

- I have completed less than 16 total years’ time in service and received an Honorable Discharge at the conclusion of all prior periods of service.

- I have never previously received a Selected Reserve PSEB incentive.

(3) Section III – Bonus Amount and Payments

- PSEB 6 years: I am enlisting for 6 years and would receive a total bonus amount of \$20,000 less taxes in MOS 31E1O00YY. I also certify that I am enlisted in a valid, vacant position as described in Section II”.

i. The applicant's service record is void of information regarding receipt of a bonus in 2009 or recoupment of said bonus. Her record is also void of a DA Form 1059 (Service School Academic Evaluation Report) or DD Form 214 showing she completed 31E MOS school.

4. On 12 January 2024, the Chief, Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion, which states:

a. The applicant requests to receive her PSEB. NGB recommended disapproval of her request.

b. The applicant initially enlisted in 2008 as a 31E and states she was awarded the 31E MOS. She had a break in service and reenlisted on 21 December 2021 [sic]. It was discovered the applicant was not qualified as a 31E and is not eligible for her PSEB. She requests to receive the bonus of \$20,000 for her current contract and states she is 31E qualified. She states the recoupment of her previous bonus was cancelled.

c. In review of the records, the applicant was recycled from 31E school on 29 January 2009 and sent to 88M school with a graduation date of 17 April 2009. The applicant's NGB Form 22; DD Form 214, block 14; and Army Training Requirements and Resources System records reflect the information of only being a qualified 88M.

d. There was an error because the applicant did receive a state MOS order for 31E because a 31E certificate was preprinted as she completed the school up to a certain point. There are no source documents stating the applicant was awarded the 31E MOS. Qualifications for 31E were not completed and a state award order was issued in error.

e. The applicant did receive a notification of the discrepancy, dated 8 March 2023, with an ETP option within 45 days of receipt in accordance with 31 U.S. Code 3702 and failed to submit an ETP within the 45 days.

f. After review of the applicant's submission and coordination with the NGB Incentives branch the applicant is not and was not qualified for the duty MOS qualification PSEB, at the time of reenlistment.

g. It is the recommendation of NGB that the applicant's request be disapproved. The applicant did not meet the requirements to be MOS qualified as a 31E and did not meet the requirements of her bonus addendum signed to receive her PSEB.

h. The advisory opinion was coordinated with the NGB Incentives Office.

5. On 16 January 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records National Guard Bureau – Special Actions Brach advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant did not meet the requirements to be MOS qualified as a 31E and did not meet the requirements of her bonus addendum signed to receive her PSEB. The Board determined there is insufficient evidence to support the applicant's contention for payment of her prior service enlistment bonus (PSEB).

2. The Board noted the applicant provided no DA Form 1059 (Service School Academic Evaluation Report) or DD Form 214 showing she completed 31E MOS school. Evidence in the record show the applicant was recycled from 31E school on 29 January 2009 and sent to 88M school with a graduation date of 17 April 2009. The applicant's NGB Form 22; DD Form 214, block 14; and Army Training Requirements and Resources System records reflect the information of only being a qualified 88M. Based on the advising opine and the preponderance of evidence, the Board denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

5/14/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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 601-210 (Regular Army and Reserve Component Enlistment Program) Chapter 10–13, states this paragraph provides policy and guidance for the administration of the SRIP–PSEB.

a. Eligibility. A cash bonus is offered to eligible applicants enlisting in the Selected Reserve and complying with all of the following eligibility requirements:

(1) Received an honorable discharge or honorable release at the conclusion of all prior periods of military service. A general under honorable discharge from any period of service does not meet these criteria and is ineligible for the PSEB.

(2) Has completed no more than 16 years of total military service. The "total military service criteria" includes inactive Reserve time in the IRR or ING.

(3) Is not being released from active service for the purpose of enlistment in the Selected Reserve. Soldiers also may not be released from one selected RC for the purpose of enlistment into a different selected RC for the PSEB. Soldiers who are separated within 90 days of their contracted expiration term of service are exempt from this restriction and are considered to have completed their prior obligation.

(4) Possesses a bonus MOS or accepts training into an MOS as announced by Headquarters Department of the Army that is the same required by the Selected Reserve unit position vacancy. The Soldier must have successfully served in the MOS

and attained a level or qualification commensurate with the Soldier's grade and years of Service while serving on AD. In the case of PS in the USAR or ARNG, Soldier must have previously qualified in the MOS (see para 10–4). Soldiers enlisted as "will train" have 24 months to acquire the critical MOS.

(5) Meets the eligibility criteria for enlistment in the ARNG as a PS applicant as prescribed by this regulation.

(6) Completes a PSEB annex to DD Form 4 for ARNG and USAR as part of the enlistment agreement and is classified in Mental Category I, II, or III (AFQT) score of 31 or higher.

2. Department of Defense Instruction 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 to the member.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//