

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230008355

APPLICANT REQUESTS:

- in effect, payment of Selected Reserve Incentive Program (SRIP) Non-Prior Service Enlistment Bonus (NPSEB)
- a personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Advanced Individual Training (AIT) Clearance Record, 6 October 2011
- Certificate of Investiture, 25 October 2011
- Certificate of Completion, 25 October 2011
- Orders Number 12-104-00155, 13 April 2012
- Orders Number 12-122-00175, 1 May 2012
- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), 15 January 2019

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 states:

a. He requests to receive his enlistment bonus after completing contract obligations. His discharge was finally corrected after reaching out over the years. He received assistance from Congress to get the corrected papers.

b. All contractual obligations were completed. His unit did not carry out their leadership duties in sending him to AIT in the allotted time frame (2 years). He requested multiple times to be sent to complete AIT. He was eventually sent and

completed it successfully. Upon completion, he inquired about his bonus to his unit and was not given an explanation as to why he could not be paid his bonus.

c. Delay was due to correcting falsified discharge papers. Congress was involved in obtaining and correcting the discharge.

3. A search of the Interactive Personnel Electronic Records Management System did not show any paperwork pertaining to the applicant's separation from the U.S. Army Reserve (USAR). The Board will not address the DD Form 293 due to not having the requisite paperwork required to render a fair and equitable decision. Army Regulation 15-185 (ABCMR) states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Additionally, he is still within the 15-year window to request a discharge upgrade through the Army Discharge Review Board since he was separated in 2012.

4. A review of the applicant's official records show the following:

a. On 5 and 9 October 2007, his parents consented to enlistment into the USAR.

b. On 30 October 2007, in connection with his enlistment:

(1) DD Form 1966 (Record of Military Processing - Armed Forces of the United States), Section III (Other Personal Data), item 22 (Education) shows the applicant was not a high school graduate at the time.

(2) DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States) shows he enlisted in the USAR for 8 years and 6 years would be served in the Reserve Component of the Service in which he enlisted.

(3) Reserves Annex (Certificate and Acknowledgment - USAR - Service Requirements and Methods of Fulfillment) shows he enlisted under the Alternate Training Program for Military Occupational Specialty (MOS) 88N (Transportation Management Coordinator) and authorized the NPSEB in the amount of \$20,000.00, for assignment to the 640th Transportation Company.

(4) DA Form 5261 (SRIP - Enlistment Bonus Addendum) shows the applicant enlisted for assignment in MOS 88N and signed a contract which states, in pertinent part:

(a) Section III (Acknowledgement) – He was a high school graduate or equivalent, or he was currently attending high school and expected to graduate before

he entered the second phase of initial active duty for training under the split-training option.

(b) Section V (Entitlement) – He was entitled to the NPSEB in the amount of \$20,000.00 and the initial payment of 50 percent of the authorized bonus amount would be paid after receiving his high school diploma, completing Initial Active Duty for Training (IADT) and qualifying in the MOS. The remaining unpaid portion of the NPSEB would be paid in two subsequent payments of 25 percent upon successful completion of the 2nd and 4th year of the enlistment term of service.

(c) Section VII (Termination) – His entitlement to the enlistment bonus would be terminated should any of the following conditions occur before the fulfillment of his enlistment agreement and obligation. Should he (1) fail to become MOS qualified within 12 months, if required to perform on-the-job training, or within 24 months if required to attend a service school, following a voluntary reassignment to a bonus authorized MOS or unit other than that for which he contracted. This could result in a recoupment action as explained in section VIII below. (2) Enter on the second phase of alternate (split) training without proof of qualification as a secondary school graduate.

c. Orders Number 8157003 published by the Military Entrance Processing Station, Tampa, FL, ordered the applicant to IADT for approximately 10 weeks or completion of basic training under the alternate (split) training program on 5 June 2008.

d. DD Form 220 (Active Duty Report) shows he completed basic combat training on 9 August 2008.

e. On 25 October 2011, DA Form 1059 (Service School Academic Report) shows he achieved course standards and completed the Transportation Management Coordinator course (MOS 88N).

f. On 11 May 2021, by memorandum, the Army Review Boards Agency responded to the applicant's DD Form 293 dated 15 January 2019, and notified him that a search of the Interactive Personnel Electronic Records Management System did not contain his discharge packet (separation files).

5. In support of his case, the applicant provides:

a. AIT Clearance Record dated 6 October 2011, which shows he cleared the installation.

b. Certificate of Investiture dated 25 October 2011, which shows he was inducted into the U.S. Army Transportation Corps under the U.S. Army Regimental system.

c. Certificate of Completion dated 25 October 2011 showing he completed AIT for MOS 88N.

d. Orders Number 12-104-00155 dated 13 April 2012 and Orders Number 12-122-00175 dated 1 May 2012, which show he was initially discharged from the USAR under honorable conditions (General) and his type of discharge was changed to uncharacterized.

e. DD Form 293 dated 15 January 2019, which shows he requested to change his discharge characterization from uncharacterized to honorable.

6. On 24 October 2023, Headquarters, U.S. Army Reserve Command (USARC), Director Resource Management G-1, provided an advisory opinion for this case and recommended disapproval of the applicant's request. The advisory official stated:

a. The applicant enlisted into the USAR under the Alternate Training Program (ATP) on 30 October 2007 for a 6-year term with a \$20,000.00 NPSEB in MOS 88N, Transportation Management Coordinator. Enlistment under the ATP stipulates that Soldiers will enter IADT to complete Basic Combat Training (BCT) and, upon completion, will be released from IADT and return to civilian status. Within one year of completing BCT, ATP policy requires Soldiers to enter IADT again to complete AIT, resulting in qualifying in their contracted MOS.

b. The applicant's DD Form 220 accurately states he attended BCT at Fort Jackson, SC, from 5 June 2008 to 9 August 2008. He was required to enter IADT to complete AIT no later than 8 August 2009. The United States Army Recruiting Command (USAREC) completed an 88N AIT reservation with a training ship date of 14 July 2009 and a training start date of 27 July 2009. On 14 July 2009, USAREC canceled the applicant's AIT training reservation because he failed to become a high school graduate.

c. Section III – Acknowledgement paragraph two of the applicant's NPSEB addendum states, "I am a high school graduate or equivalent, or I am currently attending high school and expect to graduate before I enter the second phase of initial active duty for training under the split-training option." Section VII – Termination paragraph ten of his NPSEB addendum states, "My entitlement to the enlistment bonus will be terminated should I enter the second phase of alternate (split) training without proof of qualification as a secondary school graduate."

d. The applicant's failure to complete high school within the time specified in his NPSEB addendum terminated his eligibility to the NPSEB. In addition, the applicant attended 88N reclassification training from 12 September 2011 to 25 October 2011. Title 10, USC, section 12103(d), restricts reclassification training to Soldiers who have

already completed initial MOS training during an IADT period. The Title 10, USC, section 12103(d) requires Soldiers to attend the 12-week Initial Entry Training (IET) to become a deployable asset. SPC Willis failed to complete IADT within the required timeframe.

e. Based on the current information provided in this case, the USARC G-1 recommends no relief.

7. On 9 November 2023, the applicant was provided a copy of the USARC G-1 advisory opinion to allow for comments and/or rebuttal. 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 that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board reviewed and concurred with the USARC G-1's advisory opinion finding the applicant failed to complete high school within the time specified in his bonus addendum, which terminated his eligibility for the bonus. The Board determined the applicant is not entitled to the bonus.
3. The applicant's request for a personal appearance 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 is not necessary to serve the interest of equity and justice in this case.

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.

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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:

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. Army Regulation (AR) 15-185 (ABCMR) states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states that applicants do not have a right to a hearing before the ABCMR. The Director or ABCMR may grant a formal hearing whenever justice requires.

3. AR 601-210 (Regular Army and Reserve Components (RC) Enlistment Program) provides:

a. Paragraph 5-60d (Training pay categories and programs) states in pertinent part, applicants may enlist in Alternate Training Program.

(1) To enlist under the Alternate Training Program, applicant must enter on IADT to undergo the common basic combat training (BCT) program. On successful completion of BCT, the member will be released from IADT. They will return home and commence training with the unit of assignment in a paid drill status. Within 1 year of the last day of separation from IADT (BCT), the member again will enter on IADT to complete AIT for MOS qualification.

(2) The length of time the person must spend on IADT while undergoing AIT depends on the MOS in which they are to be trained. The minimum period of time on IADT (BCT and AIT) must total at least 12 weeks for the person to be considered deployable.

(3) Unit status reports will reflect exact deployability status.

(4) The program is limited to applicants who — (a) Cannot complete BCT and AIT during one continuous IADT period because of school or seasonal employment. (b) Enlist for 6 or 8 years in a Selected Reserve (8 x 0 or 6 x 2 option). The 4 x 4 and 3 x 5 options are not authorized with the Alternate Training Program. Meet basic eligibility requirements for enlistment under chapter 2 (Enlistment in the Regular Army, U.S. Army Reserve, or Army National Guard for Non-Prior Service Applicants).

(5) Between the two periods of active duty for training (ADT), the person will receive training in the intended MOS through supervised on-the-job training, exportable training packets, or USAR schools. This training will not qualify the person for the MOS but is intended to reduce AIT attrition on their return to the active duty training base.

(6) AIT reservations for enlistees under this program will be requested from the guidance counselor by the unit commander as soon as possible but not later than 6 months after persons complete BCT.

b. Paragraph 10-8 (Termination of incentives) states, termination of eligibility to an incentive will occur if a Soldier is attending high school at time of enlistment and does not become a secondary school graduate within the required time limit.

c. Paragraph 10-12 (Selected Reserve Incentives Program-Non-prior Service Enlistment Bonus) states in pertinent part, a monetary bonus is offered to eligible applicants enlisting in the Selected Reserve and complying with all of the following eligibility requirements:

(1) Has not previously served in the U.S. Armed Forces, or has served in the U.S. Armed Forces, but was released from such service before completing basic training requirements required for initial award of an MOS, and the service was characterized as either honorable or uncharacterized.

(2) Enlists in the Army National Guard or USAR with an eight year military service obligation. The Soldier may enlist for a period of 3 to 6 years in the Selected Reserve for a period of no less than two years; the enlistment must be in accordance with the USAR and ARNG Selected Reserve Incentive Programs (SRIPs).

(3) Enlists for a position vacancy in a Selected Reserve bonus unit and/or bonus MOS, as designated by Headquarters Department of the Army or per respective Reserve Component annual SRIP. By the time the enlistee completes IADT the position must be vacant.

(4) Currently attending high school or qualify as a secondary school graduate.

(5) Has completed IADT or received sufficient training to be deployable.

(6) Completes an enlistment bonus annex to DD Form 4 for ARNG and USAR as part of the enlistment agreement.

d. This incentive offers a monetary bonus to eligible applicants with no prior military service who enlist in the Selected Reserve and contract to serve in a designated bonus skill in accordance with the RC annual SRIP. "Soldiers will not receive any enlistment



bonus payments, initial or subsequent, until they have complied with all of the eligibility criteria in this chapter."

4. Title 10, USC, section 12103(d): Reserve components: terms, states in pertinent part, a non-prior-service person who is qualified for induction for active duty in an armed force and who is not under orders to report for induction into an armed force under the Military Selective Service Act may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, for a term of not less than six years nor more than eight years. Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than twelve weeks to commence insofar as practicable within one year after the date of that enlistment.

5. 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.

//NOTHING FOLLOWS//