

IN THE CASE OF: ██████████

BOARD DATE: 4 April 2024

DOCKET NUMBER: AR20230008431

APPLICANT REQUESTS:

- entitlement to the Officer Affiliation Bonus (OAFB)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 31 May 2019
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty)
- Memorandum – Subject: Correction of DD Form 214, 7 June 2019
- DA Form 71 (Oath of Office – Military Personnel), 1 June 2016
- DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the U.S.)
- Orders Number 320-0626, 16 November 2018
- Officer/Warrant Officer Affiliation Bonus Addendum, 30 May 2019
- DA Form 1059 (Service School Academic Evaluation Report)
- Personnel Action Packet Checklist
- Regional Level Application Software, 16 November 2020
- Email communication
- Memorandum – Subject: Branch or Functional Area (FA) Redesignation, 10 January 2021
- Memorandum – Subject: Justification Memorandum for OAFB, 9 November 2020
- DA Form 597 (Army Senior Reserve Officers' Training Corps (ROTC) Nonscholarship Cadet Contract), 12 March 2015
- Memorandum – Subject: Commanders Approval/Disapproval Letter, 9 November 2020
- Memorandum – Subject: Exception to Policy (ETP), 17 February 2021

FACTS:

1. The applicant states that while being released from active duty, he was advised of and agreed to the terms of a \$10,000.00 OAFB which required a 3 year service obligation. He notes that at that time, the OAFB was being offered by the 108th Training Command and the 98th Training Division. Upon arriving at his unit, he was advised that the OAFB was deemed erroneous due to the unit of assignment, his Area of Concentration (AOC) and the duty position not being reflected within the applicable Selected Reserve Incentive Program (SRIP) for Fiscal Year (FY)19, Change 4. He argues that the sole reason for his acceptance of the contract was his entitlement to the OAFB. He believes that the accessioning team failed to verify his OAFB eligibility correctly to ensure he signed the appropriate documentation.

2. A review of the applicant's available service records reflects the following:

a. On 1 June 2016, the applicant was appointed as a Regular Army commissioned officer at the rank of second lieutenant (2LT)/O-1 as an Adjutant General (AG) Corps Human Resources Officer (42B).

b. On 16 November 2018, Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, issued Orders Number 320-0626 reassigning the applicant to the U.S. Army transition point pending transition processing and transfer into the U.S. Army Reserve (USAR) Control Group (Reinforcement)

c. On 31 May 2019, the applicant was honorably released from active duty and transferred into the USAR Control Group (Reinforcement) at the rank of first lieutenant (1LT)/O-2. The DD Form 214 issued at that time shows in item 6 (Reserve Obligation Termination Date) 27 March 2022 and in item 11 (Primary Specialty) 42B (Human Resources Officer).

d. On 7 June 2019, Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, issued Orders Number 158-0200 amending Orders Number 320-0626 to reflect transfer into a Troop Program Unit (TPU) (Detachment 3, 3rd Battalion, 485th Regiment) rather than into the USAR Control Group (Reinforcement). A DD Form 215 (Correction to DD Form 214) was also issued to reflect this change.

3. The applicant provides:

a. DD Form 4 dated 20 August 2012, reflective of the applicant's enlistment into the Army National Guard (ARNG) for 8 years as a Cadet.

b. DD Form 4 dated 26 March 2014 reflective of the applicant's enlistment in the ARNG for 8 years.

c. Officer/Warrant Officer Affiliation Bonus Addendum dated 30 May 2019, reflective of the applicant's acknowledgment of the service obligation and participation requirements associated with his entitlement to an OAFB. Section II (Instructions) provides that it is the service representative's responsibility to verify eligibility and explaining the OAFB requirements outlined in this agreement. Section III (Acknowledgment) provides that the applicant would be assigned to Detachment 3, 3rd Battalion, 485th Regiment as a 42B and contains a Bonus Control Number. Section IV (Obligation) provides that the applicant agreed to a 3-year service obligation. Section V (Entitlement) reflects that the applicant was prior service (active duty) and eligible for an Affiliation Bonus (\$10,000.00) into a USAR Selected Reserve Unit. Section IX (Certification by Service Representative) reflects endorsement by the service representative.

d. DA Form 1059 dated 13 October 2016, reflective of the applicant's completion of the Adjutant General Basic Officer Leader Course.

e. Personnel Action Packet Checklist, reflective of the applicant's submitted request for an ETP for receipt of a USAR Bonus.

f. Regional Level Application Software dated 16 November 2020, reflective of the applicant being assigned to Detachment 4, 3rd Battalion, 323rd Regiment (Delta Company) effective 9 September 2020, and further assigned as the Commander effective 18 September 2020.

g. Email communication reflective of communication concerning the applicant's need to request an ETP for receipt of the OAFB because per the SRIP in effect at the time did not reflect 42B as an eligible AOC.

h. Memorandum – Subject: Branch or Functional Area (FA) Redesignation dated 10 January 2021, reflective of the applicant being awarded the 42B AOC, effective 18 October 2016.

i. Memorandum – Subject: Justification Memorandum for OAFB dated 9 November 2020, reflective of the applicant's account of events pertaining to his entitlement to the OAFB. The applicant expands on his opening statement to this Board adding that he had initially selected another unit with a one-year service obligation. However, the service representative informed him of an OAFB being offered with a different unit for which he accepted with the understanding that he was eligible and would receive the OAFB in connection with a 3-year service obligation. The applicant provides a chronological account of events occurring in relation to his OAFB. This document along with the applicant's submitted argument is further provided within the supporting documents in their entirety for the Boards review.

j. DA Form 597 dated 12 March 2015, reflective of the applicant's enrollment in the Winston-Salem State University ROTC program as a non-scholarship cadet. The applicant was entitled to monthly pay and subsistence for participation in the non-scholarship program for 10 months of any academic year at a rate of \$350-500 per month for no more than 30 months.

k. Memorandum – Subject: Commanders Approval/Disapproval Letter dated 9 November 2020, reflective of the Commander, 3rd Battalion, 323rd Regiment, 98th Division approval of the applicant's submitted request for an ETP to receive the OAFB.

l. Memorandum – Subject: ETP dated 17 February 2021, reflective of the U.S. Army Reserve Command's (USARC's) disapproval of the applicant's submitted request for an ETP to receive the OAFB. USARC provides that upon review of the applicant's record they noted he affiliated with the USAR on 30 May 2019 (3-year commitment) with a \$10,000.00 OAFB as a 42B. The USAR Pay Center did not pay the OAFB due to guidance provided by the Army Reserve Fiscal Year (FY) 2019 SRIP, Change 4 wherein it did not reflect 42B as a bonus eligible AOC. Army policy restricts bonuses to critical AOCs listed on the current SRIP. In addition, the applicant received an Army ROTC Scholarship. Department of Defense Instruction 1304.34 (General Bonus Authority for Officers) requires Officers who receive pre-commissioning compensation to complete their military service obligation to be eligible for the OAFB. The applicant's 8-year ROTC obligation started on his appointment date of 12 May 2016; therefore, his military service obligation does not expire until 11 May 2024, making him ineligible for the OAFB at the time of affiliation. In this case, the accessioning agency failed to verify his eligibility for the OAFB and the USARC G-1 does not have the authority to grant an exception to policy in this case.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found that, notwithstanding USARC's reasons for denying an ETP, the applicant suffered an injustice when he was allowed to complete a contract for an OAFB and thereby had the reasonable expectation that he was fully qualified for the bonus. Based on a preponderance of the evidence, the Board determined it would be appropriate to correct the record to show an ETP was approved authorizing the applicant to receive the OAFB.

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 records of the individual concerned be corrected by showing an ETP was approved authorizing the applicant to receive the OAFB he contracted for on 30 May 2019.

8/18/2024

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. Army Reserve Fiscal Year (FY) 2019 SRIP, Change 4, dated 17 April 2019 and in effect at the time of the applicant's accession into the USAR is provided to assist the USAR in meeting leadership's end strength, readiness, and force balancing objectives. It provides recruiting and retention incentives to assist in filling critical shortages. Incentives are implemented to support unit and occupational skill staffing requirements. All incentives are subject to the availability of funds, which may change without notice. Paragraph 8 (OAFB) provides that bonuses are subject to the availability of incentives funds, which may change without notice. Soldiers, who may otherwise be eligible for a bonus, will not receive the advertised bonus unless their incentive is assigned a valid Bonus Control Number. All officers assigned to Ready Force (RF) units can receive

incentives if they meet the eligibility requirements. Soldiers receive a lump sum payment of up to \$10,000.00 paid upon assignment or upon award of duty qualifying AOC/Military Occupational Specialty (MOS), whichever is later. Soldiers incur a three (3) year obligation term of service based on the effective date of assignment to a UIC/AOC/MOS qualified position or the date awarded bonus AOC/MOS, whichever is later. Failure to remain in bonus AOC/MOS or UIC throughout the entire bonus period may result in termination and recoupment of unearned bonus portion. The applicant's AOC 42A is listed as "not eligible for incentive" on this document.

2. Title 10, United States Code (USC), section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

3. Department of Defense Instruction 1304.34 (General Bonus Authority for Officers) states in section 3 (Procedures) The Secretaries of the Military Departments may pay a bonus pursuant to the officer bonus program, in accordance with Section 332 of Title 37, USC. 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. Section 3g (Additional Guidance) states, an officer receiving pre-commissioning compensation in accordance with Sections 2106, 2107, and 2107a of Title 10, USC, or financial assistance through a loan repayment program pursuant to Sections 16201, 16301, 16302, or 16303 of Title 10, USC., is not eligible for a bonus pursuant to this issuance until the military service obligation is completed.

4. Army Regulation 15-185 (Army Board for Correction of Military Records (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 applicant's 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//