

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230009336

APPLICANT REQUESTS: back pay of his \$5,000 Off-Peak enlistment bonus that was a part of his contract addendum in the Army National Guard in June 2007.

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

- DD Form 149 (Application for Correction of Military Record)
- Annex E, Non-Prior Service Enlistment Bonus Addendum

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 he never received the off-peak bonus listed in his original June 2007 contract addendum. There is a policy which doesn't allow payments prior to 2017. He believes he was owed that bonus when he returned from basic combat training.
3. Review of the applicant's service records shows:
 - a. He enlisted in the Army National Guard (ARNG) on 29 June 2007. In connection with this enlistment, he signed Annex E, a Non Prior Service Enlistment Bonus Addendum that states:
 - (1) He is enlisting into the following Unit [Name of Unit], Position Number: 0000, Paragraph Number: 0103, Line Number: 004 to serve at least 6 years in a paid drill status.
 - (2) He is enlisting for 15P (Aviation Operation Specialist) which is not designated as a National Guard Bureau (NGB) or State Critical Skill MOS (military occupational specialty) but is in an MTO&E unit.

(3) He agreed to ship off-peak (October through May) and will receive the \$5,000 off-peak bonus.

(4) He would receive a total bonus of \$20,000 for the enlistment bonus option above, less taxes: first bonus payment of 50% of the total authorized amount entered above, less taxes, when he completes initial entry training, and he is awarded the MOS for which he enlisted. The second and final payment of 50% will be paid on the 36th-month anniversary of his date of enlistment.

b. He entered active duty for training (ADT) on 3 January 2008 and completed training for award of MOS 15P. He was honorably released from ADT on 23 May 2008.

c. He has since extended his enlistment multiple times, served in a variety of stateside or overseas assignments, and attained the rank of staff sergeant/E-6.

d. He is currently serving in the ARNG.

4. On 21 February 2024, the National Guard Bureau (NGB) provided an advisory opinion in the processing of this case. An NGB advisory official recommended disapproval and stated:

a. The applicant states that he never received his \$5,000 off-peak bonus, which was a part of his bonus addendum that he signed in 2007. He requests payment of this bonus. The applicant's records show that he signed a non-prior service enlistment bonus addendum in 2007. At the time, the applicant was entitled to a \$5,000 off-peak bonus for shipping off-peak (October-May). He was also entitled to his non-prior service enlistment bonus. He signed this bonus addendum enlisting for 15P, which was not designated as a NGB or State Critical Skill MOS.

b. Per his bonus addendum, NGB Form 600-7-1-R-E, the applicant was entitled to receive a total bonus of \$20,000 for the enlistment bonus option (Section III). According to the FY2007 SRIP Paragraph 8c, the ARNG offers a \$5,000 NPS "Off-Peak" bonus to applicants, and this incentive may be received in conjunction with any NPS enlistment incentive under this section with the exception of 8a(1) and 8a(2), which are the \$20,000 NPS Critical Skill Bonus for 6X2 or 8X0 in the NGB or State Critical Skill MOS list. Additionally, according to Paragraph 8d, the total amount of any NPS enlistment incentive is limited to \$20,000 by law and any combination of incentives may not exceed \$20,000.

c. Based on the available information, it is the recommendation of this office that the applicant's request be disapproved. While his bonus addendum states that he was entitled to a \$5,000 off-peak bonus, the total amount of bonus received cannot be greater than \$20,000. According to his GIMS record, the applicant received a \$20,000

NPS bonus. This off-peak bonus is in conjunction with his \$20,000 NOS bonus and does not mean he is entitled to an additional \$5,000.

d. The Army National Guard Incentives Branch concurs with this recommendation. The District of Columbia Army National Guard concurs with this recommendation.

5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to provide a rebuttal. He did not respond.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The Board concurs with the advisory officials rationally and recommendation to deny the applicant's requested relief. The applicant received his \$20,000 NPS bonus. At the time he contracted, the total amount of any NPS enlistment incentive was limited to \$20,000 by law and any combination of incentives was not authorized to exceed \$20,000.

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, 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. Army National Guard Selected Reserve Incentives Guidance for Fiscal Year (FY) 2007, (Policy Number 07-06), dated 10 August 2007, provided guidance related to various incentives in the Army National Guard (ARNG) and/or prescribed the guidance for M-Day ARNG Soldier to receive the SRIP. Paragraph 8c, the ARNG offers a \$5,000 NPS "Off-Peak" bonus to applicants, and this incentive may be received in conjunction with any NPS (non-prior service) enlistment incentive under this section with the exception of 8a(1) and 8a(2), which are the \$20,000 NPS Critical Skill Bonus for 6X2 or 8X0 in the NGB or State Critical Skill MOS list. Additionally, according to paragraph 8d, the total amount of any NPS enlistment incentive is limited to \$20,000 by law and any combination of incentives may not exceed \$20,000.

/NOTHING FOLLOWS//