

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2024

DOCKET NUMBER: AR20230009412

APPLICANT REQUESTS: payment of his reenlistment bonus (REB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment)
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus Addendum)
- DD Form 827 (Application for Arrears in Pay)
- Letter from National Personnel Record Center

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 has a closed year payment of \$4,000 on an active two year reenlistment contract signed on 12 April 2015. The payment should have been submitted on 2 July 2015 and due to a systematic violation from the incentive system, the contract was never paid. Memorandum of Instruction Barring Act Case Closure policy from NGB states that all Soldiers owed closed year payment for an active incentive agreement must submit an application to the Board. He is requesting authorization of a closed year payment for \$4,000 that he was fully eligible for and never received. NGB sent out notification of all closed year payments to each state, in order to try to clean up backlog of closed year payments in all 54 states and territories.
3. The applicant provides a DD Form 827 (Application for Arrears in Pay), 1 June 2021, wherein the applicant requested payment of his \$4,000 REB he was entitled to for a closed year. He signed an REB on 12 April 2015 and was eligible for his payment on 2 July 2015. He remained in service for the entirety of his two year REB and received an expiration term of service (ETS) discharge on 1 July 2017. The incentives manager

informed him that his payment was not complete due to systematic contractual issues within the system of record.

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

a. DD Form 4 (Enlistment/Reenlistment Contract Armed Forces of the United States) shows he enlisted in the Army National Guard (ARNG) on 2 July 2009.

b. Orders 333-00032, published by United States Army Intelligence Center of Excellence, 29 November 2010, awarded him the military occupational specialty (MOS) of 35G (Geospatial Intelligence Imagery Analysts), effective 16 December 2010.

c. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 12 April 2015, shows he reenlisted in the ARNG for a period of two years. His new ETS was 1 July 2017.

d. NGB Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus Addendum ARNG of the United States), 12 April 2015, shows he reenlisted in the MOS 35G for a period of two years for a bonus of \$4,000.

e. NGB Form 22 (National Guard Report of Separation and Record of Service) shows he was honorably discharged from the ARNG on 1 July 2017. He had completed 8 years of net service. He was discharged for ETS.

5. On 27 March 2024, the Chief, Special Actions Branch, NGB provided an advisory opinion, which states:

a. The applicant requests back pay of his REB in full. NGB recommended approval of his request.

b. The applicant signed an REB addendum in 201[5] when he extended for two years. He was eligible for a \$4,000 bonus. However, he never received any payments due to system violations. He requests payment of his REB that he did not receive due to no fault of his own.

c. His records show he signed an REB extension for two year on 12 April 2015. His contract start date was 2 July 2015. His Non-Prior Service Enlistment Bonus that he signed in 2009 was still open at the start of this new contract. Due to this issue, his REB establishment was rejected in the Guard Incentive Management System (GIMS) per the ARNG Selected Reserve Incentive Program 600-7.

d. Based on his claims and his records, he never received his payment of his REB signed in 2015 because of an error in processing his prior incentive contract. Due to an

erroneous prior decision by the Education and Incentive Branch staff, he could not receive the REB payment of his unprocessed bonus from 2009. It is recommended that he receive his outstanding payment of his REB from his contract in 2015. He was fully eligible for the incentive. He served the entirety of his contract in good standing before being discharged on 1 July 2017. His discharge created a Monitor Rule Failure (MRF) in GIMS. The incentive could not be paid due to the MRF. The Minnesota Federal Incentives Team was unable to pay the incentive due to the Barring Act laid out in Title 31 U.S. Code (USC) 3702.

e. For these reasons, it is the recommendation of NGB that his request be approved. He was notified on 28 May 2021 of the closed year payment. The Minnesota Federal Incentives Team closed out the incentive per NGB guidelines laid out in Title 31 USC 3528. He is entitled to his REB signed in 2015 because it was not processed due to no fault of his own.

f. The ARNG Incentives Branch did not provide input for this recommendation. The Minnesota ARNG concurs with this recommendation.

5. On 1 April 2024, the advisory opinion was provided to allow the applicant an opportunity to respond. 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 warranted.
2. The Board carefully considered the applicant's contentions, his record of service, his bonus addendum and the NGB advisory opinion. The Board found that the applicant was eligible for and signed the bonus documentation in good faith and that he completed the required service as described in his contract. Based on a preponderance of evidence, the Board determined that the denial of his REB payment was the result of an error and created an injustice.

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 and Army National Guard records of the individual concerned be corrected by:

- showing the applicant's signed service addenda dated 12 April 2015 for a reenlistment bonus in the amount of \$4,000 was timely processed and entered in the appropriate processing system.
- payment of eligible incentives, in accordance with the above service agreements, provided he is otherwise qualified and provided his loans meet statutory and regulatory requirements, as a result of this correction.

	
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. 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. National Guard Regulation 600-7 (Selective Reserve Incentive Programs) in effect at the time, prescribes policies and procedures for the administration of the ARNGUS incentive programs.

a. Paragraph 1-13 (Obligation), an enlisted Soldier must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.

b. Paragraph 1-16 (Incentive payments), payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing to Military Pay Branch for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

c. Paragraph 3-5 (Entitlement), entitlement to a bonus for an immediate reenlistment begins on the date of the oath of enlistment; the extension bonus on the first day of the extended period of service. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

d. Paragraph 3-7 (Reenlistment/extension bonus payment procedures), establish a bonus pay account by initiating a B03 transaction in coordination with military pay branch. After seven days, query DFAS account to ensure accuracy of pay account. After a Soldier has been loaded as a bonus participant, DFAS will pay the Soldier per the following:

(1) The State Incentive Manager will issue two copies of the Bonus Report or State Reports as prescribed by State policy to each unit monthly and establish a suspense date for the return of the appropriate document.

(2) Unit commanders must certify eligibility for payment. Commanders may delegate authority to certify to the State Incentive manager at the discretion of the MILPO.

(3) The State Incentive Manager will submit the certification to military pay branch on a transmittal letter or in accordance with military pay guidance.

(4) Ensure after bonus payment is processed that the SIDPERS database reflects the proper number of bonus payments to date.

3. Title 37 USC, section 331 (General bonus authority for enlisted members), (a) The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who:

- enlists in an armed force
- enlists in or affiliates with a reserve component of an armed force
- reenlists, voluntarily extends an enlistment, or otherwise agrees to serve:
- for a specified period in a designated career field, skill, or unit of an armed force
- under other conditions of service in an armed force

(g) (Repayment), a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

4. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), to update policy, assign responsibilities, and prescribe procedures under reference and for management of the Reserve components incentive programs.

a. Paragraph 5.3 (Secretaries of the Military Departments), publish guidance to implement this instruction concerning program eligibility, dollar amounts and recoupment procedures for Reserve component incentives. Implement procedures to effectively manage the service obligations of individuals receiving incentives, ensuring that all payback periods and other requirements contained in agreements within this instruction are met, and that recoupment measures are implemented for non-compliance.

b. Paragraph 6.6.2, persons whose military specialty is changed at the convenience of the Government or whose unit is inactivated, relocated, reorganized, or converted are entitled to continue receiving incentive payments provided they meet all other eligibility criteria, and are not separated from the Selected Reserve.

c. Paragraph 6.8 (Termination and Recoupment), if entitlement to an incentive is

terminated for any reason before the fulfillment of the service described in the member's written agreement, that member shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. Unless granted relief, as covered in paragraphs 6.6. and 6.7., above, the member must refund a prorated amount to the Government, if such termination is for subparagraph 6.8.3, moves to a non-bonus skill or unit, unless the move is required by the Reserve component.

//NOTHING FOLLOWS//