

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230010263

APPLICANT REQUESTS: in effect, an Exception to Policy (ETP) to receive payment of her \$10,000.00 Prior Service Enlistment Bonus (PSEB) dated 23 December 2015.

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Reserve Command (USARC) Memorandum - Subject: Exception to Policy (ETP) for [Applicant], [REDACTED] 6 March 2017
- Office of the Inspector General (IG) letter to applicant, 11 July 2017
- Email communication, 15 March 2017
- Email communication, 12 July 2023

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, her contract stated that she would receive a bonus at the time she signed. She went through her unit and filed an IG complaint and a Congressional which informed her that this was the next step. She would like to receive further guidance and advice of how she can be paid. She was told the PSEB is due to her since it is in her contract. She has been pushing for this for years now. She has been trying since she signed and completed the contract. Each unit gave different directions which lead to her doing a Congressional.

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

a. She enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) on 12 May 2006.

b. On 21 June 2006, the U.S. Army Human Resources Command (HRC), St. Louis, MO, published Orders Number C-06-616702, which released the applicant from the

USAR DEP and assigned her to the 90th Regional Readiness Command, Trainees, Transients, Holdees and Students Account, Camp Robinson, North Little Rock, AR, effective 20 June 2006.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she entered Initial Active Duty for Training (IADT) on 19 June 2006 and was released from IADT and transferred to her USAR unit in Bogalusa, LA, on 8 December 2006. She completed 5 months and 20 days net active service this period. Item 11 (Primary Specialty) shows she was awarded Military Occupational Specialty (MOS) 92W10 (Water Treatment Specialist).

d. On 24 November 2015, Headquarters, 81st Regional Support Command, published Orders Number 15-328-00114, which honorably discharged the applicant from the USAR, effective 30 November 2015.

e. After a break in service, DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the USAR for a period of 6 years in the rank/grade of specialist (SPC)/E-4, on 23 December 2015. In connection with her USAR enlistment she completed and signed:

(1) Reserves Annex (Certificate and Acknowledgment USAR Service Requirements and Methods of Fulfillment) which shows she acknowledged that she was enlisting in the USAR for unit vacancy MOS 92W1 and was authorized a PSEB in the amount of \$10,000.00.

(2) DA Form 5261-5 (Selected Reserve Incentive Program (SRIP) - USAR PSEB Addendum), which stated in pertinent part, she was eligible for a prior service enlistment bonus. She had less than 16 years of military service and she was enlisting for 6 years for a bonus of \$10,000.00. The initial payment will be 50 percent of the total bonus amount listed above (less taxes) at time of enlistment. The remaining amount for her 6-year enlistment bonus would be paid at rate of 25 percent of the total bonus amount at the end of her 2nd and 4th year of satisfactory service in a USAR Selected Reserves (SELRES) Unit. All bonus payments were subject to Federal and State income tax.

f. On 1 October 2021, she reenlisted in the USAR for an indefinite period.

4. In support of her case the applicant provides:

a. USARC Memorandum - Subject: ETP for [Applicant], [REDACTED] dated 6 March 2017, which disapproved the applicant's ETP request to retain her PSEB. The Chief, Manning Division, stated:

(1) The request for the ETP is disapproved. The applicant enlisted into the

Army Reserve (AR) on 23 December 2015, for a 6-year term with a \$10,000 PSEB, in MOS 92W, Water Treatment Specialist. The USAR Pay Center rejected payment of the PSEB because the applicant was not separated from the AR for at least 12 months before reentering into the AR. Army policy requires Soldiers that were previously assigned to the SELRES, remain out of the SELRES for at least 12 months before being eligible to return to the SELRES for incentives. The accessioning agency erroneously offered the applicant the PSEB after being separated from the AR for 23 days; therefore, payment of the PSEB is not authorized.

(2) She may apply directly to the Army Review Board Agency utilizing the DD Form 149, to pursue any perceived injustice.

b. Email communication dated 15 March 2017, between the applicant and USARC G-1 Manning Division, Incentives Branch, which states, the Incentives Branch approves or disapproves ETPs. The applicant's request was disapproved because Army policy requires Soldiers that were previously assigned to the Selected Reserve, remain out of the Selected Reserve for at least 12 months before being eligible to return for an incentive. The Incentives Branch's research determined the applicant separated from the Army Reserve for 23 days. Unfortunately, they were not able to approve her request.

c. Office of the IG letter to the applicant dated 11 July 2017, which states, at this time, her issues are not considered IG appropriate. Based on their phone conversation, the IG confirmed that she had utilized redress avenues to get an ETP for her bonus pay. In addition, the IG reviewed the response from the Manning Division. As stated in the letter, the reason for not granting her the bonus was based on regulatory provisions. Her case was considered closed.

d. Email communication dated 12 July 2023, between the applicant and USARC G-1, Incentives Branch, which states, per their discussion the information for the Army Review Boards Agency is listed below. When reviewing her congressional inquiry, it was determined that the reason it was never paid is due to the fact Department of Defense Instruction (DoDI) 1304.31 dated 28 March 2013, prohibits Service Members who have previously received an enlistment bonus from receiving subsequent enlistment bonuses. Unfortunately, in this case USARC G-1 does not have the authority to grant ETP's in cases where DoDI is concerned. The Incentives Branch will answer her congressional inquiry today to close the loop with her congressional representative.

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, the USARC G-1 Manning Division, Incentives Branch email communications, the Board concurred with regulatory guidance and the communications between USARC G-1 Manning Division recommending disapproval based on applicant enlisted into the Army Reserve (AR) on 23 December 2015, for a 6-year term with a \$10,000 PSEB, in MOS 92W, Water Treatment Specialist. The USAR Pay Center rejected payment of the PSEB because the applicant was not separated from the AR for at least 12 months before reentering into the AR. Army policy requires Soldiers that were previously assigned to the SELRES, remain out of the SELRES for at least 12 months before being eligible to return to the SELRES for incentives.

2. The Board determined there is insufficient evidence to support the applicant's contentions for an Exception to Policy (ETP) to receive payment of her \$10,000.00 Prior Service Enlistment Bonus (PSEB) dated 23 December 2015. Evidence shows the applicant separated from the Army Reserve for 23 days. Furthermore, the Board noted that Department of Defense Instruction (DoDI) 1304.31 dated 28 March 2013, prohibits Service Members who have previously received an enlistment bonus from receiving subsequent enlistment bonuses. Based on the preponderance of evidence, the Board found no error or injustice and denied relief.

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.

5/27/2025

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. 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. Office of the Chief, Army Reserve Memorandum - Subject: Army Reserve Fiscal Year 2016 Selected Reserve Incentive Programs (SRIP) Policy Guidance from 1 October 2015 through 30 September 2016, dated 24 September 2015, Payment Schedule (enclosure 1) states, Soldiers whose last assignment was in the Selected Reserve (Troop Program Unit (TPU)/Active Guard/Reserve/Army National Guard) must have been out of the Selected Reserve for at least 12 months in order to be eligible for the Prior Service Enlistment Bonus (PSEB).
3. Army Regulation 135-7 (Incentive Programs) prescribes policies and procedures for the administration of the Army National Guard (ARNG) and the United States Army Reserve (USAR) incentive programs. In pertinent part:
  - a. Paragraph 2.1-2 (Prior Service Enlistment Bonus) states, the PSEB incentive offers a cash bonus to eligible persons with prior military service who enlist in the ARNG or USAR and contract to serve in a TPU of the Selected Reserve (SELRES) in a designated MOS announced by Headquarters Department of the Army.

b. Paragraph 2.1-3 (Eligibility) states, a cash bonus as prescribed by paragraph 2.1-2a (PSEB) is offered to any person who meets all of the following requirements:

- Received an honorable discharge at the conclusion of his or her last period of military service
- If last discharged from the ARNGUS or USAR, the applicant has been out of the military service for at least 12 months
- Has completed his or her statutory military service obligation
- Has less than 10 years of total military service
- Is not being released from Regular or Reserve service for the purpose of enlistment in the ARNG or USAR
- Is not enlisting to qualify for a permanent civilian position where membership in the SELRES is a condition of civilian employment
- Has not previously been paid a bonus for enlistment, reenlistment, or extension of an enlistment in any Reserve Component of the Armed Forces
- Meets the eligibility criteria for enlistment as a prior service applicant as prescribed by governing ARNG or USAR regulations
- Enlists after 1 March 1991 for a period of 3 years (\$2,500 bonus) or 6 years (\$5,000 bonus)
- Completes DA Form 5261-5-R (SRIP-PSEB Addendum) as part of the enlistment agreement
- Upon enlistment, will qualify for the TPU position vacancy to which assigned

4. Title 31, USC, section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, USC, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.

//NOTHING FOLLOWS//