

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 May 2024

DOCKET NUMBER: AR20230010268

APPLICANT REQUESTS: entitlement to payment of (\$312.50) the remaining portion of his Non-Prior Service Enlistment Bonus.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 20 January 2012
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 – Non-Prior Service Critical Paragraph/Line Number Military Occupational Specialty (MOS) Enlistment Bonus Decentralized State Incentive Pilot Program Addendum), 20 January 2012
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 7 September 2012
- Orders Number 009-026, 9 January 2016
- Office of the Adjutant General letter, 3 June 2021
- Memorandum – Subject: Notification of Incentive Termination and Exception to Policy Process, 4 June 2023
- Memorandum – Subject: Notification of Incentive Eligibility Termination, 4 June 2023

FACTS:

1. The applicant states in pertinent part that the termination of the Non-Prior Service Enlistment Bonus effective 19 November 2015 should result in a remaining balance of \$312.50 owed to him. However, based on the provisions of the Barring Act disbursement of these funds from closed year funds is not permitted. On 12 January 2023, he reenlisted in the Army National Guard (ARNG) with entitlement to a Reenlistment Bonus (RB) incentive. He was advised that payment of the RB could not be made until the previous bonus incentive was paid.

2. On 20 January 2012, the applicant enlisted in the ARNG to serve as a 68W (Health Care Specialist) for 6 years with entitlement to the Montgomery G.I. Bill (MGIB), the MGIB Kicker. DD Form 1966 (Record of Military Processing Armed Forces of the United

States) shows in item 32 (Specific Option/Program Enlisted for, Military Skill, or Assignment to a geographical Area Guarantees) shows the applicant was entitled to a Non-Prior Service Enlistment Bonus in the amount of \$2,500.00. The applicant was assigned to Headquarters and Headquarters Company 204th Theater Airfield Operations Group (TAOG). NGB Form 600-7-1-R-E completed at the time of enlistment provides an understanding that termination of this bonus with recoupment would occur if he failed to maintain assignment in a valid vacant position, voluntarily transferred out of the MOS for which the incentive was approved or failed to obtain Duty MOS Qualification due to denial of any required security clearance. Termination is effective the contract start date. Recoupment is calculated by multiplying the number of months served satisfactorily during the term for which the incentive is authorized by the proportionate dollar amount.

3. On or about 7 September 2012, the applicant completed the 68W course and was subsequently awarded the 68W MOS.
4. On 9 January 2016, Joint Force Headquarters – LA, issued Orders Number 009-026 withdrawing the applicant's 68W MOS, effective 19 November 2015, and awarding him MOS 09U (Not qualified in MOS).
5. On 11 August 2017, the applicant extended in the ARNG for 3 years.
6. On 25 April 2018, Joint Force Headquarters – LA, issued Orders Number 115-060 awarding the applicant MOS 92Y (Unit Supply Specialist), effective 16 April 2018.
7. On 10 January 2021, the applicant extended in the ARNG for 1 year.
8. The applicant provides a letter from the Office of the Adjutant General letter dated 3 June 2021. This letter shows the applicant was advised that a recent audit of unpaid incentives indicated he might be entitled to payment of his Non-Prior Service Enlistment Bonus. The applicant was advised to apply to this Board for relief if he believed that he was entitled to this incentive in accordance with the Barring Act.
9. On 12 January 2023, the applicant extended for 6 years with entitlement to a \$20,000.00 REB as a 92Y to be paid in one-lump sum payment the day after he reaches his current expiration term service date.
10. The applicant provides a:
 - a. Memorandum, Subject: Notification of Incentive Termination and Exception to Policy Process dated 4 June 2023, the applicant was advised that a discrepancy with his bonus contract may result in contract termination and possible recoupment.

Specifically, he was advised that a final payment of \$312.50 was noted due to the applicant's loss of MOS qualification and considered surplus pending reassignment to an authorized MOS on 19 November 2015.

b. Memorandum, Subject: Notification of Incentive Eligibility Termination dated 4 June 2023, the applicant was advised that a discrepancy with his bonus contract required eligibility termination due to his loss of MOS qualification and therefore considered surplus pending reassignment to an authorized MOS on 19 November 2015. The applicant declined the option to request an exception to policy.

11. On 5 March 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that a review of the applicant's claim was conducted by the LAARNG of which concluded that the applicant was in violation of his Non-Prior Service Enlistment Bonus contract and therefore it was terminated with recoupment of \$312.50 per the notification issued out to the Soldier on 4 June 2023. The Non-Prior Service Enlistment Bonus (\$2,500.00) was to be paid in three installments, the first 50 percent installment would be paid upon completion of advanced individual training, and when MOS was awarded, a second 20 percent installment would be paid on the applicant's third year anniversary of his enlistment, and a final 30 percent installment would be paid on the 5-year anniversary of his enlistment date.

a. The Non-Prior Service Bonus Addendum, ARNG, Annex E To DD Form 4, section VI Termination, paragraph 3 states that an individual is subject to termination and recoupment of bonus if they fail to maintain MOS qualification, which the applicant failed to maintain his 68W qualification and therefore it was withdrawn effective 19 November 2015.

b. On 8 November 2015, the applicant was issued a suspension of favorable personnel action flag due to drug abuse. In accordance with Department of the Army Pamphlet 611-21 (Personnel Selection and Classification Military Occupational Classification and Structure) a Soldier with a history of alcoholism, drug addiction, indiscriminate use of habit-forming or dangerous drugs is disqualified from holding MOS 68W.

c. The applicant's Non-Prior Service Enlistment Bonus entitlement was terminated with recoupment due to his loss of MOS qualification. There is no evidence to support his claim and therefore provide a recommendation of disapproval to waive his recoupment of \$312.50 of his Non-Prior Service Enlistment Bonus.

d. The applicant states in his application to the ABCMR that he needs this action to be resolved so that a payment of another extension with the LAARNG can be

addressed. This action has been resolved and documents provided by the LAARNG show the applicant has been paid the lump sum of his extension bonus.

12. On 12 March 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 16 April 2024, the applicant has not responded.

BOARD DISCUSSION:

1. The Board carefully considered the applicant's request for entitlement to payment of (\$312.50) the remaining portion of his Non-Prior Service Enlistment Bonus, the applicant's contentions, his military record, and regulatory guidance were. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The advisory opinion from the NGB chief Special Actions Branch recommended disapproval, and the Board concurs with the advisory opinion.

a. The applicant's Non-Prior Service Enlistment Bonus entitlement was terminated with recoupment due to his loss of MOS qualification.

b. The applicant states in his application to the ABCMR that he needs his Non-Prior Service Enlistment Bonus action to be resolved so that a payment of another extension with the LAARNG can be addressed. This action has been resolved and documents provided by the LAARNG show the applicant has been paid the lump sum of his extension bonus.

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. Department of Defense Instruction (DoDI) 1304.21 (Enlisted Bonus Program) states the Secretaries of the Military Departments may pay a bonus under the Enlisted Bonus Program (in accordance with Title 37, United States Code (USC), section 331) to persons or members, as appropriate, to support recruiting and retention efforts in designated military skills, career fields, units, or grades, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. To be eligible the member signs an agreement with the Secretary of the Military Department concerned to serve on active duty or in an active status for a specified period, in a designated military specialty or skill, career field, unit, or grade, successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid.

2. DoDI 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.

3. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//