

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: Ta [REDACTED]

BOARD DATE: 3 May 2024

DOCKET NUMBER: AR20230010297

APPLICANT REQUESTS: correction of her record to show she was paid her Officer Accession Bonus (OAB).

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

- DD Form 149 (Application for Correction of Military Record)
- Written Agreement U.S. Army Reserve Officer/Warrant Officer Accession Bonus Acknowledgement, 30 March 2017
- Email correspondence
- Memorandum, Subject: Correction to Record for the Applicant, 11 June 2019

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, in 2019, she applied to have her OAB paid but because her and the representative's signature dates on the bonus paperwork were different, it was denied. She then applied for an exception to policy, and it was disapproved, but not for the dates. The disapproval Memorandum for Record (MFR) states that because she received a Reserve Officers' Training Corps (ROTC) scholarship she would have to wait until 4 May 2023 (or 6 years after commissioning) to receive her bonus. Because that date was several months ago, she resubmitted for the bonus, and the pay team rejected it stating she needed to go through the Army Review Boards Agency (ARBA) process because of the disapproval from 2019. She is not sure if she needs the original bonus contract from 2017 dates fixed, or if she is now rebutting the MFR disapproval from 2019. But either way, the disapproval memo and the bonus team referred her to the ARBA process. The disapproval MFR states that she was not eligible to receive her bonus until 4 May 2023 which was two months ago. She was unable to dispute the injustice until then, when the bonus pay team denied paying the OAB.

3. On 17 August 2015, having had prior enlisted service in the U.S. Army Reserve (USAR), DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract) shows the applicant enrolled at the University of Central Oklahoma for the period 17 August 2015 through 15 May 2017. Part II (Agreement of Scholarship Cadet Contracting in the Senior ROTC Program), item 4 states the applicant agrees to a 8 year service obligation upon acceptance of appointment.

4. On 5 May 2017, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

5. On 30 March 2017, Written Agreement USAR Officer/Warrant Officer Accession Bonus Acknowledgement was completed showing the applicant agreed to receive an OAB in the amount of \$10,000.00 to be paid in one lump sum in return for a 6-year obligation. Section III (Acknowledgement), item 5 the applicant acknowledged she was not currently receiving financial assistance under the SROTC and would not receive such assistance during the period of the agreement. Section V (Agreement/Payment) shows her commissioning was earned by ROTC. Section X (Certification by Service Representative and Witnessing Officer) shows the service representative endorsed the form on 5 April 2017.

6. On 11 June 2019, Headquarters, U.S. Army Reserve Command (USARC), issued a Memorandum, Subject: Correction to Record for the Applicant, which states in pertinent part:

a. The request for exception to policy is disapproved. The applicant accessed in the USAR on 30 March 2017, for a 6-year term, with a \$10,000.00 OAB, in the Area of Concentration 12A (Engineer Officer). The OAB was not paid because the signatures on the written agreement were signed on two different dates, upon further investigation USARC G-1 discovered that she received a ROTC scholarship.

b. Department of Defense Instruction (DoDI) 1304.34 (General Bonus Authority for Officers) states an officer receiving pre-commissioning compensation in accordance with Title 10, USC, Sections 2106, 2107, and 2107a, is not eligible for a bonus pursuant to this issuance until the military obligation is completed. On 17 August 2015, the applicant signed her ROTC Scholarship Cadet Contract (DA Form 597-3) in which she agreed that upon the acceptance of an appointment in the USAR she will incur a total military service obligation not to exceed 8 years. She was appointed on 5 May 2017 and incurred an obligation until 4 May 2023; therefore, the USARC G-1 does not authorize payment of the OAB.

7. The applicant continues to serve in the USAR.
8. The applicant provides, email correspondence wherein a military pay technician states she was unable to process the OAB based on the USARC memorandum paragraph 6.

BOARD DISCUSSION:

1. The applicant's request for correction of her record to show she was paid her Officer Accession Bonus (OAB), her contentions, her 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 relief was warranted.
2. The Board determined applicant met the eligibility criteria for payment of her OAB after completing her initial service obligation for ROTC scholarship on 4 May 2023, which is approximately 1 year ago; she is eligible for, entitled to, and should now receive payment of her bonus.

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 paying her the Officer/Warrant Officer Accession Bonus for which she contracted in accordance with her 30 March 2017, Written Agreement USAR Officer/Warrant Officer Accession Bonus Acknowledgement.

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. DoDI 1304.34 (General Bonus Authority for Officers) states:

a. Section 3.2 (Accession Bonus) The accession bonus, authorized pursuant to Section 332(a)(1) of Title 37, USC., and implemented by this issuance, offers a monetary incentive for a person (including a Service member) to accept a commission or appointment as an officer and serve for a specified period on active duty or in an active status in a Military Service. b. In addition to meeting the minimum eligibility requirements listed in Paragraph 3.1.b., an eligible person must have completed all previous service obligations incurred as a result of receiving a bonus or special pay while serving as an enlisted Service member or ROTC cadet or midshipman.

b. A member must not have received pre-commissioning compensation pursuant to Title 10, USC, section 2106, 2107, and 2107a.

3. Title 10, USC, section 2106 states, upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under Title 10, USC, section 2104 may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant.

4. Title 10, USC, section 2107 and 2107a states, the Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under the jurisdiction any eligible member of the program who will be under 31 years of age on December 31 of the calendar year in which he or she is eligible under this section for appointment as a second lieutenant in the Army and serve in the Reserve Component of an armed force until the eight anniversary of the receipt of such appointment. (3) in the case of a cadet eligible to receive financial assistance under paragraph (1) or (2), the Secretary of the military department concerned may, in lieu of all or part of the financial assistance described in paragraph (1), provide financial assistance in the form of room and board expenses for the cadet and other expenses required by the educational institution.

//NOTHING FOLLOWS//