

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 May 2024

DOCKET NUMBER: AR20230010319

APPLICANT REQUESTS: approval/payment of his Officer Retention Bonus (ORB) in the amount of \$20,000.00.

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

- DD Form 149 (Application for Correction of Military Record)
- Army National Guard (ARNG) Selected Reserve Incentive Program (SRIP) Policy for Fiscal Year 2021 (FY21), Policy Number 21-01
- Officer Incentive Request Form
- National Guard Bureau (NGB) Officer Incentive Request Form
- NGB Memorandum, Subject: ORB Application and Processing in Guard Incentive System (GIMS) Area of Concentration (AOC) Feeders for 90A (Logistics Officer)
- NGB Memorandum, Subject: ARNG SRIP Policy for FY 21, (Policy Number 21-01) Update 3
- NGB Memorandum, Subject: Manual Control Number (MCN) Exceptions due to Update 3 of ARNG SRIP Policy for FY 21, Policy Number 21-01
- E-mail from the Tennessee (TN) ARNG Inspector General (IG) Office
- Assignment History

FACTS:

1. The applicant states he was initially qualified for the ORB for area of concentration (AOC) 31A (Military Police) which he applied for in or about December 2020, but the incentives office did not issue a contract because he was assigned to a 90A position. If the contract would have been issued, it would have been terminated and recouped for failing to serve in the contracted AOC of 31A for the entire length of the agreement. However, he completed the Logistics Captain (CPT) Career Course (LG CCC) and became a CPT in the LG field 2 weeks prior to the NGB suspension of incentives on

1 July 2023 making him eligible for the ORB for AOC 90A. The updated incentive request was never received by the incentives office although he contacted them inquiring what action he needed to take to receive the incentive now that he was qualified. He was advised there was no action required on his part. His ORB was denied because it was not submitted through the incentives office for processing.

2. A review of the applicant's service record shows:

a. On 11 August 2008, the applicant enlisted in the ARNG.

b. On 7 April 2009, Orders Number 9097006, issued by the Military Entrance Processing Station, show the applicant was ordered to initial active duty for training, effective 7 April 2009.

c. The applicant was honorably released from active duty on 27 August 2009. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 4 months and 21 days of active service. He was awarded military occupational specialty 31B (Military Police).

d. On 30 August 2014:

(1) The applicant was honorably discharged from the ARNG to be appointed as a commissioned officer. NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 6 years and 20 days of service.

(2) The applicant executed his oath of office and was appointed a Reserve commissioned officer.

(3) The applicant executed his oath of office and was appointed in the TNARNG and was extended a temporary Federal recognition.

(4) Orders Number 242-1, issued by the U.S. Army Reserve Officers' Training Corps (ROTC), The University of TN at Martin, the applicant was discharged from the U.S. Army Reserve Control Group (ROTC), effective 30 August 2014.

e. On 8 February 2015 Orders Number 039-813, issued by the Joint Forces Headquarters (HQs) TNARNG, show the applicant was honorably discharged from the ARNG to accept a commission, effective 30 August 2014.

f. On 11 February 2015, Orders Number C-02-502429, issued by the U.S. Army Human Resources Command, show the applicant was assigned to the TNARNG, effective 30 August 2014.

g. On 3 March 2015, Special Orders Number 47, issued by the NGB, show the applicant was appointed in the ARNG and extended Federal recognition.

h. DD Form 214 shows the applicant was ordered to active duty for training on 16 March 2015. He was honorably released from active duty on 16 July 2015. It also shows the applicant completed 4 months and 1 day of active service.

i. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Military Police (MP) Basic Officer Leadership Course during the period of 19 March 2015 through 16 July 2015.

j. DA Form 1059 shows the applicant met the standards for the LG CCC Phase I during the period of 10 May 2021 through 21 May 2021.

k. DA Form 1059 shows the applicant met the standards for the LG CCC Phase II during the period of 1 June 2021 through 11 June 2021.

l. On 16 May 2022, Special Orders Number IP-11696, issued by the NGB, show the applicant was branch transferred from MP to LG, effective 17 March 2022.

m. On 18 May 2022, Orders Number 1829292, issued by the TNARNG, the applicant's branch was changed to LG with an effective date of 17 March 2022 and he was assigned as a plans officer.

4. The applicant provides:

a. ARNG Policy, Subject: ARNG SRIP Policy for FY 2021, Policy Number 21-01, which provides recruiting and retention incentives to assist in filling critical shortages in those situations where other less costly methods have proven inadequate in supporting unit and skill staffing requirements. Paragraph 9 (Officer Retention Bonus) states it may offer a 3-year/\$20,000.00 bonus, the officer must have completed their commissioning obligation and agree to an additional 3 year service obligation, must be qualified in an AOC on the retention list, must have less than 16 years of qualifying service for non-regular retirement.

b. NGB Officer Incentive Request Form shows the applicant requested a 3 year ORB in the amount of \$20,000.00. His commissioning date was 30 August 2014 in the AOC of 31A. On 28 December 2020, the form was authenticated to certify the applicant met all the requirements as stipulated in the policy.

c. NGB Memorandum for Record, Subject: ORB Application and Processing in GIMS AOC Feeders for 90A, dated 31 December 2020, stated the feeder AOCs for 90A were 88A (Transportation), 91A (Ordnance) and 92A (Quartermaster). 90A would be

earned upon completion of the Multi-Functional LG CCC with the minimum rank of Captain. A first lieutenant (1LT) or above that is fully qualified in one of the feeder AOCs must have completed the LG CCC to qualify for the ORB and in a 90A authorized position. 90A must be their primary AOC to qualify for the retention bonus.

d. NGB Memorandum, Subject: ARNG SRIP Policy FY 21, Policy Number 21-01 Update 3, dated 10 June 2021, stated effective 1 July 2021, all reenlistment/extension bonus programs outlined in ARNG SRIP FY21 (Enlisted, Officer, Warrant Officer, Army Medical Department, 79T, and Special Forces) were suspended for the remainder of the fiscal year or until updated guidance was published.

e. NGB Memorandum, Subject: MCNs Exceptions due to Update 3 of ARNG SRIP Policy for FY 21, Policy Number 21-01, dated 22 June 2021, stated effective 1 July 2021, all REB programs under ARNG SRIP FY21 were expired until further guidance was published. The current memorandum of instruction stated MCNs can be issued outside the GIMS by the State Incentive Manager due to an outage lasting longer than five working days. From the date of the memorandum until 30 June 2021. Approval would be based on the submission of the MCN tracker and a verification memorandum from a colonel.

f. E-mail, dated 17 July 2023 from the TNARNG, State Inspector General which stated:

(1) On 28 December 2020, A request for ORB for the applicant to the incentive office was submitted. The applicant was initially qualified, but a contract was not issued as the applicant was being assigned to a 90A position. If the contract would have been issued, it would have been terminated for failure to serve in the contracted AOC for the entire incentive agreement and the applicant would have been required to repay the incentive.

(2) On 31 December 2020, a memorandum stated the feeder AOC for 90A and the educational requirements for the ORB. At this time the applicant was not eligible for the ORB because he had not completed the Multi-functional LG CCC and did not hold the rank of CPT.

(3) On 11 June 2021, the applicant completed the LG CCC and held the rank of CPT which he then was eligible for the ORB: however, no incentive request for was submitted by the incentives office.

(4) On 1 July 2021, all SRIP program expired until further guidance was published.

(5) On 28 January 2022, the applicant was notified that the 28 December incentive request did not result in an addendum.

(6) Due to a breakdown in communication by all parties involved an updated incentive request for the ORB was never received for processing once the applicant was eligible prior to the ORB expiration.

g. Screenshot of assignment history which shows on 17 November 2020, an unknown person was assigned to a 31A, Anti-terrorism Security Officer position. That person was then assigned on 6 February 2021 to a 90A, Plans Officer position and then later assigned to a 90A Commander position on 14 May 2022.

5. On 4 March 2024, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for the approval and payment of his ORB. The advisory official recommended disapproval of the applicant's request. The applicant's service record shows he was initially qualified for a 3 year ORB in the amount of \$20,000.00 in December 2020 for AOC 31A. However, the applicant did not sign a contract because he went to the Logistics Captain Career Course and was assigned as a 90A. If he would have signed the contract it would have been terminated for AOC mismatch. A memorandum regarding the feeder AOCs for 90A for the ORB was published on 31 December 2020. In order to qualify for this bonus, the applicant must complete the LG CCC and be in the grade of CPT. The applicant completed the LG CCC on 11 June 2021 and would have been eligible for the bonus. He contacted the incentives office, who confirmed his eligibility, but neither side took any further action. On 1 July 2021, all bonus programs were suspended until further guidance. On 28 January 2022, the applicant was notified his ORB request was disapproved. Though he became eligible for the 90A ORB on 11 June 2021, he had until 30 June 2021 to process the request for the incentive before the cut-off date. The TNARNG finds no fault with the incentives office for failing to process the applicant's ORB because he did not follow through with the process.

6. On 12 March 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

7. AN ORB may be offered for a 3 year/\$20,000.00 bonus. The officer must have completed their commissioning obligation and agree to an additional 3-year service obligation, must be qualified in an AOC on the retention list, must have less than 16 years of qualifying service for non-regular retirement. The officer must enter into an agreement outlining the terms and conditions for receiving a bonus. The agreement is only valid when containing all required signatures, dates, bonus control numbers and printed from the authorized system for generating addendums unless written approval is granted.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. Upon review of the applicant's petition available military records, the Board found the applicant completed the LG Captain Career Course on 11 June 2021, thus making him eligible for the incentive. The applicant took the initiative to contact the incentives officer to confirm eligibility, however, took no action to further process the request during his period of eligibility. The Board reviewed and concurred with the State Incentive Manager of the National Guard Bureau's (NGB) opinion to disapprove the applicant's request. Based on this the Board determined relief was not warranted and denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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, 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. Department of Defense (DoD) Instruction 1304.34 (General Bonus Authority for Officers), establishes policy, assigns responsibilities, and prescribes procedures for the payment of a bonus for officer who continue to serve in military service. Paragraph 3.1, the Secretaries of the Military Departments may pay a bonus pursuant to the officer bonus program to officer who agrees to remain on active duty or in an active status for a specified period as an officer in a Military Service. The bonus may only be paid to an officer who signs a written agreement with the Secretary of the Military Department concerned to serve for a specified period in a designated career field, skill, unit, or grade, or meet some other condition or conditions of service imposed by the Secretary. The officer must agree to serve for a period of not less than 3-years in an active status in the Selected Reserve (SELRES) in that military skill or career field. Officers receiving skill-based bonuses are expected to serve in an assignment for which the skill is required. An officer who receives a bonus and fails to complete the period of obligated service or other conditions of service specified in the written agreement for which the bonus is paid, must repay any unearned portion of the bonus.

3. Department of Defense Financial Management Regulation 7000.14, Volume 7a, chapter 3 (Special Pay – Officer Only), provides the general bonus authority for bonuses. The Secretaries concerned may pay these bonuses to a person, member, or officer in the Military Services who agrees to remain in an active status for a specified period as an officer in a Military Service. Signs a written agreement with the Secretary concerned to serve for a specified period in a designated career field, skill, unit, or grade, or meets some other condition or conditions of service imposed by the Secretary. 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. The officer must agree to serve for not less than 3-years in an active status in the SELRES in that military skill or career field. Officers receiving skill-based bonuses are expected to serve in an assignment for which the skill is required. An officer who receives a bonus and fails to complete the period of obligated service or other conditions of service specified in the written agreement for which the bonus is paid, must repay any unearned portion of the bonus. Paragraph 0305 (Retention Bonus), the bonus may be used to obtain the voluntary extension of an officer's service in exchange for an agreement to serve for a specified period in a designated military skill, career field, unit, or grade or to meet some other condition or conditions imposed by the Military Department concerned.

4. ARNG SRIP Policy for Fiscal Year 2021 in effect at the time, provides recruiting and retention incentives to assist in filling critical shortages in those situations where other less costly methods have proven inadequate in supporting unit and skill staffing requirements. Paragraph 9 (Officer Retention Bonus) states the NGB may offer a 3 year/\$20,000.00 bonus, the officer must have completed their commissioning obligation and agree to an additional 3-year service obligation, must be qualified in an AOC on the retention list, must have less than 16 years of qualifying service for non-regular retirement. The officer must enter into an agreement outlining the terms and conditions for receiving a bonus. The agreement is only valid when containing all required signatures, dates, bonus control numbers and printed from the authorized system for generating addendums unless written approval is granted. An officer changing AOC due to normal career progression can retain his incentive provided he remains within the same career management field as the primary position holder for the entire length of the service obligation. The incentive will be terminated with recoupment if the officer fails to service in the contracted AOC for the entire length of the incentive agreement, except for normal career progression or at the convenience of the government.

//NOTHING FOLLOWS//