

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2024

DOCKET NUMBER: AR20230011936

APPLICANT REQUESTS: correction of his records to reflect payment of his Officer Retention Bonus (ORB) in the amount of \$20,000.00 in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- Officer -Warrant Officer Incentives Request Form
- Email correspondence

FACTS:

1. The applicant states, in pertinent part, during 2021 he was eligible for an ORB in the amount of \$20,000.00. He submitted his paperwork through administrative channels. The paperwork was not actioned by the administrative officer in charge at the time. They emailed him stating he did not receive the bonus due to neglecting the paperwork in the necessary timeframe thus making him ineligible. At the time he was eligible for the bonus and should be paid his bonus as the error was not his fault.

2. A review of the applicant's available service record reflects the following:

a. Having prior enlisted service with the South Carolina Army National Guard (SCARNG), on 8 May 2015, he was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 5 February 2016, the State of North Carolina, Department of Public Safety, Joint Force Headquarters issued Orders Number 036-872 appointing him as a second lieutenant (2LT), Armored Branch (AR), with the NCARNG with a retroactive effective date of 8 May 2015.

c. On 9 February 2016, the National Guard Bureau (NGB) issued Special Orders Number 30 extending federal recognition for his initial appointment in the NCARNG.

d. DA Form 1059 (Service School Academic Evaluation Form), dated

15 March 2017 shows he completed the Armored Basic Officer Leaders Course, achieving course standards, from 24 October 2016 to 13 March 2017 in the Area of Concentration (AOC) 19A (Armor).

e. On 22 March 2017, the Departments of the Army and the Air Force, Joint Force Headquarters, NCARNG issued a Memorandum for Designation of Primary AOC and/or Alternate AOC and/or Award of Functional Area (FA), Skill Identifiers (SI) and/or Language Identification Codes (LIC) awarding him the primary AOC of 19A and Armor Branch.

f. He continues service with the NCARNG.

3. The applicant provides the following:

a. Officer -Warrant Officer Incentives Request Form showing his request for the 3-year (ORB) of \$20,000.00 in AOC 19A. The form is void of a bonus control number provided by the State incentive manager.

b. Email correspondence showing his communication with his unit S-1 officer regarding the status of his ORB documentation and confirmation that the Incentives Branch along with the NGB did not have any such request in their system.

4. On 1 February 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request stating in effect:

a. He was eligible for an ORB in 2021. He submitted his incentive contract for \$20,000.00, but the paperwork was not actioned properly by the administrative officer. The paperwork was not processed within the timeline and the contract was terminated. He requests backpay of his bonus.

b. The applicant's records show that he signed a 3-year ORB for \$20,000.00 in March 2021. In May, the unit S-1 submitted an Officer Record Brief (ORB) request to have an ORB for the applicant assigned as the assistant S-3 within the 252nd Armor as a 19A within an O2B position. Eligibility for that position was confirmed by the fiscal year 2021 (FY21) Selected Reserve Incentive Plan (SRIP) and the ORB Clarification Memo was issued by the NGB to the States dated 10 November 2020 for Branch Immaterial Duty Assignments. In June 2021, the NGB sent out Updated 3 to SRIP Policy Number 21-01, effective 1 July 2021, which stated that all incentives are hereby suspended for the remainder of the Fiscal Year or until updated guidance is published. The applicant's bonus contract was not processed before 1 July 2021.

c. Based on the applicant's claims and his records, the applicant was fully qualified

to receive the ORB that went into effect on 1 October 2020. The applicant completed his request for the bonus and sent it through his unit S-1. The unit S-1 sent that same request to the brigade S-1, who then failed to send the request for the bonus to the incentives manager. The S-1 for Headquarters and Headquarters Company, 30th Armored Brigade Combat Team failed to process the request prior to the 1 July deadline and fully admits the failure to transmit the request to the next higher command for action. Based on these reasons, this office recommends approval of the applicant's request. He requested and transmitted the request for a bonus in good faith. Due to no fault of the applicant, the packet requesting the bonus was delayed and the window of opportunity to enter into a bonus contract was closed.

d. The ARNG Incentives Branch did not provide input for this recommendation. The NCARNG concurs with this recommendation.

5. On 7 February 2024, the applicant was provided with a copy of the advisory opinion and provided an opportunity to respond. As of 22 February 2024, he did not respond.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant signed a 3-year Officer Retention Bonus for \$20,000.00 in March 2021. The Board reviewed and agreed with the NGB advisory official's finding that the applicant was eligible for an Officer Retention Bonus in 2021. He submitted his incentive contract for \$20,000.00, but the paperwork was not actioned properly by the administrative officer. The paperwork was not processed within the timeline and the contract was terminated. The applicant requested and transmitted the request for a bonus in good faith. Due to no fault of his, the packet requesting the bonus was delayed and the window of opportunity to enter into a bonus contract was closed. The Board determined an injustice occurred.

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 that the evidence presented was 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 submitted an exception to policy to the National Guard Bureau (NGB) for payment of his Officer Retention Bonus
- The NGB timely received, processed, and approved the applicant's Exception to Policy for payment of his \$20,000 Officer Retention Bonus, provided all other criteria is met

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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 Instructions 1304.34 (General bonus Authority for Officers) states in section 3.4 (Retention Bonus) the bonus may be used by the Military Department 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 Secretary of the Military Department concerned. Section 3.4b (Additional Retention Bonus Eligibility Requirements) states an eligible officer must have completed a minimum of 4 years of active commission service or qualifying service for a Reserve Component officer. Agree to remain on active duty or in an active status for a period of at least 2 years.
2. United States Army Reserve Policy, Selected Reserve Incentive Program (SRIP), FY21 provides recruiting and retention incentives to assist in filling critical shortages. Incentives are implemented to support unit and occupational skill staffing requirements. All incentives are subject to the availability of funds, which may change without notice. Item 12 (Officer/Warrant Officer Retention Bonus) states, in effect, Officers/ Warrant Officers assigned to a 01A, 01C, 01D, 011A, 02A, or 02B position must have a primary AOC on the FY SRIP list as bonus eligible, with a 3- or 6-year commitment beginning on the date that the written agreement is approved for a lump sum payment of up to \$20,000.00.
3. Title 37, United States Code (USC), section 332 (General Bonus Authority for Officers) states the Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service.
 - a. A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d) (1) to serve for a specified period in a designated career field, skill, unit, or grade; or (2) to meet some other condition or conditions of service imposed by the Secretary concerned. A bonus paid under paragraph (2) of subsection (a) may not exceed \$20,000.00 for a minimum three-year period of obligated service agreed to under subsection (d).
 - b. Subsection d states to receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies (1) the amount of the bonus; (2) the method of payment of the bonus under subsection (c)(2); (3) the period of obligated service; and (4) the type or conditions of the service.
4. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation,

emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//