

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011978

APPLICANT REQUESTS: payment of his prior service enlistment bonus (PSEB) in the U.S. Army Reserve.

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 United States) 11 June 2009
- Certificate and Acknowledgement U.S. Army Reserve (USAR) Service Requirements and Methods of Fulfillment, 11 June 2009
- Selected Reserve Incentive Program (SRIP) - Enlisted Bonus Addendum, 11 June 2009 and 18 September 2017
- Orders 16-047-0002 Discharge Orders, 16 February 2016
- Orders C-04-604503 Reassignment Orders, 7 April 2016
- Orders D-06-714966 Discharge from USAR, 13 June 2017
- DD Form 4, 18 September 2017
- Certificate and Acknowledgement U.S. Army Reserve (USAR) Service Requirements and Methods of Fulfillment, 18 September 2017
- Orders 19-219-0005 Military Occupational Specialty Orders, 7 August 2019
- Emails

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 he enlisted with prior service and signed a contract to receive a PSEB to re-class in the military occupational specialty (MOS) 88N (Transportation Management). After earning a new MOS, he was not paid his \$15,000 bonus.
 - a. He submitted a pay inquiry and received an email from U.S. Army Reserve Command (USARC) stating he would not be paid because he had previously received a

non-prior service enlistment bonus and he did not have a 12-month break in service. After reviewing the applicant's timeline, both issues are true; however, is there any recourse the applicant has at this point? The applicant's Troop Program Unit (TPU) expiration term of service (ETS) is 17 September 2023.

b. He works for a federal law enforcement agency in D.C. and is a great asset to the Army. If there is anything the Board can do for him, it is worth exploring. The issue in question was not the applicant's fault, and despite not receiving his bonus, he still re-classed and met all of his 6-year obligations. Additionally, issues like this impacts retention efforts beyond the individual Soldier. Soldiers who know the applicant's story will hesitate to reenlist for incentives when there is any uncertainty about actually receiving the incentive.

c. His timeline is 11 June 2009 initial 6x2 Selected Reserve (SELRES) contract as a 31B (Military Police) non-prior service enlistment bonus of \$20,000. On 18 December 2016, he transferred to the individual ready reserve (IRR) and completed the Test Control Officers Course on 4 April 2016. He went from the IRR to the SELRES on 13 June 2017 and was honorably discharged from the SELRES on 18 September 2017.

d. He enlisted in the USAR in MOS 88N for a PSEB in the amount of \$15,000 on 13 August 2019. He was awarded the 88N MOS. In response to his inquiry, it was advised the applicant submit an inquiry to the Board. He served honorably in the USAR. He did everything he could to rectify the situation and after receiving notification on 11 September 2019 that he would not receive his bonus, he still served out his contractual time. The applicant decided not to reenlist, which is a loss to the Army. It is in the best interest of the Army to pay the applicant the money he was promised.

3. The applicant provides the following documents:

a. Orders 19-219-05, published by Headquarters, 81st Readiness Division (USAR), on 7 August 2019 awarded the applicant the MOS 88N, effective 13 August 2019.

b. Emails regarding the applicant's PSEB, from USARC, dated 18 May 2023, which states, in pertinent part, the cases received so far fall under the old Department of Defense Instruction (DoDI) guideline, DoDI 1304.32, changed effective 5 November 2020. It was changed to allow Soldiers who previously received an enlistment bonus to be eligible for the PSEB. Unfortunately, USARC does not have the authority to grant exception to policies for Soldiers who previously received an enlistment bonus and signed a prior service enlistment contract before the DoDI changed. USAR Selective Reserve Incentive Program (SRIP) contracts published before the DoDI change had the statement, "must not have previously received an enlistment bonus." The incentives team took this statement to align with the DoDI change in Fiscal Year (FY) 2021. This is not an issue with contracts written after FY 2021.

4. The applicant's service record contains the following documents:

- a. DD Form 4, dated 11 June 2009 shows the applicant enlisted in the USAR.
- b. SRIP - Enlisted Bonus Addendum, dated 11 June 2009 shows the applicant received an enlisted bonus in the amount of \$20,000.
- c. Orders 16-047-0002, published by Headquarters, 81st Regional Support Command, 16 February 2016, assigned the applicant to USAR Control Group (Annual Training) effective 18 February 2016 due to expiration of his USAR service obligation.
- d. Orders C-04-604503, published by U.S. Army Human Resources Command (AHRC), dated 7 April 2016 show the applicant was voluntarily transferred from USAR Control Group (Annual Training) to a Troop Program Unit (TPU) effective 4 April 2016.
- e. Orders D-06-71966, published by AHRC, dated 13 June 2017 honorably discharged the applicant from the USAR effective 13 June 2017.
- f. DD Form 4, shows the applicant enlisted in the USAR on 18 September 2017.
- g. SRIP- USAR PSEB Addendum, dated 18 September 2017 states:
 - The applicant was not MOS qualified. He understood he was not qualified to receive the bonus entitlement until such time he had been awarded the MOS.
 - He was in receipt of an honorable discharge issued on separation from prior service.
 - He had less than 16 years of service and was enlisting for 6 years for a bonus of \$15,000.
 - The bonus addendum does not state he was ineligible for the bonus if he had received a prior bonus.

5. On 16 January 2024, the Director Resource Management, USARC, G-1 provided an advisory opinion, which states;

- a. The applicant enlisted in the USAR on 18 September 2017 for a six year term with a \$15,000 PSEB in MOS 88N. The USAR pay center did not pay the applicant's PSEB because he previously received a \$20,000 non-prior service enlisted bonus in connection with his 11 June 2009 USAR enlistment. DoDI 1304.31, dated 12 March 2013, prohibits servicemembers who have previously received an enlistment or selected retention bonus from receiving subsequent enlistment bonuses. In addition, the SRIP policy requires Soldiers to separate from the Selected Reserve for a minimum of 12 months to be eligible for the PSEB.

b. On 23 March 2017, the 81st Readiness Division reassigned the applicant to the IRR effective 29 March 2017. On 13 June 2017, AHRC discharged the applicant from the IRR. Based on the applicant's transfer to the IRR and September 2017 USAR enlistment, there is approximately only a six month separation from the SELRES, which does not meet the SRIP Policy. The U.S. Army Recruiting Command failed to verify the applicant's eligibility for the PSEB. Based on current information provided in this case, the USARC G-1 recommends no relief.

6. On 24 January 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On 26 January 2024, the applicant responded stating:

a. He has never disagreed with the DoDI 1304.31 or the Army's 2017 SRIP policy in regard to the \$15,000 bonus that was promised in a contract to him. The issue he has is at the time of signing the contract he had no knowledge of these policies. The Army Service Representative never once mentioned to him that he did not qualify. In fact, he signed off on the contract signifying that he was qualified and entitled to the bonus pending he completed/maintained the requirements within the contract. He successfully completed all requirements, serving the Nation, Army and unit honorably in the Continental United States and outside the Continental United States.

b. For the service he received several awards and was even selected for promotion. He believes that even though there is a contradiction with the policies from that given time frame, he should be entitled to the \$15,000 bonus. The reason he believes this resides in the fact that once the contract was ratified between the U.S. Army and the applicant, both parties were bound to comply with everything within the contract.

c. Also, nowhere in the contract was it listed that he needed to be separated for 12 months prior or that if he had received a prior enlistment bonus it would be suspended/terminated or disqualified him from receiving the bonus promised in the contract signed on 18 September 2017. He requests the Board reject in whole the recommendation from USARC G-1 and find relief in his case, which has now been ongoing for five years.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the USAR on 18 September 2017 for a 6-year term with a \$15,000 PSEB in MOS 88N. The USAR did not pay his PSEB because he previously received a \$20,000 non-prior service enlisted bonus in connection with his 11 June 2009 USAR enlistment. The Board disagreed with the USAR advisory officials finding that since he previously received an enlistment or selected retention bonus, he

should not receive a subsequent enlistment bonus. Although the applicant was transferred to the IRR on 29 March 2017 and was discharged on 13 June 2017, approximately 6 months later, which does not meet the SRIP Policy, the applicant enlisted in good faith; he depended on the guidance provided by the subject matter experts and has served faithfully. He should not be penalized for administrative errors committed by others in his enlistment process.

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 partial 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 U.S. Army Reserve Command (USARC) for payment of his Prior Service Enlistment Bonus (PSEB), dated 18 September 2017 states:
- The USARC timely received, processed, and approved the applicant's Exception to Policy for payment of his \$15,000 PSEB R 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. Title 10, U.S. Code, 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. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) paragraph 10-14 (SRIP - PSEB) states, in pertinent part:

a. A monetary bonus is offered to eligible applicants enlisting in the Selected Reserve and complying with all of the following eligibility requirements: (1) Received an honorable discharge or honorable release at the conclusion of all prior periods of military service. A general under honorable conditions discharge from any period of service does not meet this criteria and is ineligible for the PSEB. (2) Has not previously received an enlistment bonus. Must not have received or is currently entitled to a retention bonus or a Critical Skills Retention Bonus. (3) Has completed no more than 16 years of total military service. The "total military service criteria" includes inactive Reserve time in the Individual Ready Reserve or Inactive National Guard. (4) Has been released or is not being released from active duty for the purpose of enlistment in the Reserve Component. (5) Meets the eligibility criteria for enlistment in the USAR as a PS applicant as prescribed by this regulation.

b. This incentive offers a monetary bonus to eligible applicants with prior military service who enlist in the Selected Reserve for a period of 3 years and contract to serve in a designated bonus skill determined by the respective Reserve Component under the currently approved SRIP. (1) Entitlement to the initial payment of a PSEB is effective on the date of enlistment. (2) The initial payment may be processed when the Soldier — (1) Completed Army Basic Combat Training/one station unit training, if required. (2) Fills a Selected Reserve unit position vacancy for which they are MOS qualified. (3) Fills a drill sergeant, instructor, or linguist position vacancy that they are qualified for (see paragraph 10-11). (4) Becomes MOS qualified as a "will train."

//NOTHING FOLLOWS//