

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013002

APPLICANT REQUESTS:

- antedated reenlistment contract to reflect he reenlisted prior to 1 October 2022
- paid Selective Retention Bonus (SRB) for Military Occupational Specialty (MOS) 51C (Acquisition Logistics and Technology Contracting Noncommissioned Officer (NCO))

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 2792 (Family Member Medical Summary)
- BC Wholesale Auto Repair LLC invoice
- DA Form 4187 (Personnel Action) for deletion of erroneous reenlistment contract
- U.S. Army Human Resources Command (HRC) Memorandum, Subject: Request for antedated contract and SRB
- Countryside Veterinary Clinic, LLP invoice

FACTS:

1. The applicant states he was selected to reclassify to MOS 51C. When he was selected for his MOS, there was an SRB available for staff sergeants in MOS 51C; however, he was unable to immediately reenlist due to the need to update his wife's Exceptional Family Member Program (EFMP) documents. Once the update was completed, he contacted the retention NCO to schedule a date to reenlist. Over the next several weeks he was advised the EFMP data was not updated in the HRC system which caused him not to be able to reenlist. On 28 September 2022, while he was working on nightshift for a Field Training Exercise (FTX) and sleeping during the day, he was contacted by MSG S- to inform him the system updated, and he was eligible for reenlistment. He informed MSG S- that he was scheduled to be promoted to the rank/grade of sergeant first class (SFC)/E-7 on 1 October 2022 and inquired if his promotion would affect his eligibility for the SRB. MSG S- informed him that he could reenlist during his off hours or after the conclusion of the FTX on 4 October 2022. The choice was his (the applicant's) and the timeline would not affect his eligibility for the SRB. However, when the new SRB Military Personnel (MILPER) Message came out on

1 October 2022, MOS 51C was no longer eligible for the SRB. When he contacted MSG S- to schedule a time for the reenlistment and verify SRB eligibility he was informed SFC's were never eligible for the SRB. In November 2022, MSG S- informed him the request for an antedated contract due to no fault of his own was denied by HRC which was submitted on his behalf. Due to his wife's mental health conditions, she is unable to work. His family relies on one income and with the additional unforeseen expenses and high inflation the bonus would have relieved some of his financial burdens. He requests the Board grant him relief; this is money the Army would have paid had he reenlisted before 1 October 2022. He is not requesting special treatment, just the Board's sympathy and the understanding that granting his request would give him some financial breathing room. He just wants what is owed to him.

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

a. On 11 February 2013, the applicant enlisted in the Regular Army (RA) for 4-years which gave the applicant an Expiration Term of Service (ETS) of 10 February 2017.

b. The applicant's Enlisted Record Brief dated 1 December 2022 show his ETS date as 25 January 2024.

c. On 20 November 2015, the applicant reenlisted in RA for 3-years which changed the applicant's ETS date to 19 November 2018.

d. On 4 January 2017, the applicant extended his enlistment in the RA for 5-months which changed the applicant's ETS date to 19 April 2019.

e. On 26 January 2018, the applicant reenlisted in the RA for 3-years which changed the applicant's ETS date to 25 January 2021.

f. On 23 April 2020, the applicant extended his enlistment in the RA for 12-months which changed the applicant's ETS date to 25 January 2022.

g. On 9 July 2021, the applicant extended his enlistment in the RA of 12-months which changed the applicant's ETS date to 25 January 2023.

h. On 29 March 2022, the applicant extended his enlistment in the RA for 12-months which changed the applicant's ETS date to 25 January 2024.

i. On 16 September 2022, Orders Number 259-101, issued by HRC, show the applicant was promoted to the rank/grade of sergeant first class (SFC)/E-7, with a date of rank of 1 October 2022, in MOS 88N (Transportation Management Coordinator).

j. On 25 January 2023, the applicant reached his 12-month Reenlistment Opportunity Window (ROW).

k. On 22 February 2023, the applicant reenlisted in the RA indefinitely until he reached his retention control point for his current rank (SFC) which was 28 February 2037.

l. DA Form 1059 (Service School Academic Evaluation Report), dated 12 May 2023, shows the applicant met course standards for MOS 51C during the period of 20 March through 12 May 2023 and was eligible for reclassification.

m. On 17 May 2023, Orders Number 4750327, issued by the Department of the Army, the applicant's primary MOS was changed to 51C, effective 12 May 2023.

3. The applicant provides:

a. DD Form 2792 dated 19 August 2022 which shows on 28 August 2022, the applicant updated his family members previous evaluation for EFMP enrollment for a diagnosed mental health condition.

b. BC Wholesale Auto Repair LLC invoice shows on 29 August 2022, the applicant had his transmission replaced in his privately owned vehicle which cost him \$2,338.55.

c. BC Wholesale Auto Repair, LLC invoice shows on 24, September 2022, the applicant had his transaxle replaced in his privately owned vehicle which cost him \$1,607.11.

d. DA Form 4187 shows the applicant requested the deletion of an erroneous reenlistment contract and to be issued an antedated reenlistment contract. He stated on 12 September 2022, he was approved to be reclassified in MOS 51C and was selected for promotion to the rank/grade of SFC/E-7, effective 1 October 2022. The Brigade Senior Career Counselor, Master Sergeant (MSG) S- was processing reenlistments for Soldiers in order to meet the service remaining requirement for the 51C reclassification. MSG S- failed to consider the applicant was to be promoted on 1 October 2022 which caused the applicant to be ineligible for the SRB and takes full responsibility for the error. The applicant requests an antedated reenlistment contract to be dated 30 September 2022 with the rank of SSG which qualifies him for the SRB. The DA Form 4187 was not signed by the applicant's chain of command or HRC.

e. HRC Memorandum, Subject: request for Antedated Reenlistment Contract and SRB dated 15 November 2022, for the commander of 4th Sustainment Brigade which disapproved the applicant's request for an antedated contract and SRB. A review of the facts indicated the applicant did not complete his reenlistment to meet the service

remaining requirement for promotion and reclassification in a timely manner. This request was beyond the scope of the Retention and Reclassification Branch authority to approve this type of exception to policy.

f. Countryside Veterinary Clinic, LLP invoice shows V-G- had veterinary procedures for his dog which cost \$2,892.50.

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 and available military records, the Board found the applicant was promoted to sergeant first class (SFC)/E-7 on 1 October 2022 in the military occupational specialty (MOS) 88N (Transportation Management Coordinator). He subsequently reenlisted indefinitely on 22 February 2023. The record also shows the applicant completed the course for MOS 51C (Acquisition, Logistics, and Technology Contracting) on 12 May 2023. The Board majority determined the applicant was serving as a SFC and in the MOS 88N at the time of his reenlistment and therefore was ineligible for the selective retention bonus for MOS 51C and recommended to deny relief. The Board minority concluded the retention noncommissioned officer failed in his duties and at no fault of the applicant's and recommended to grant relief.

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. Army Regulation (AR) 601-280 (Army Retention Program) in effect at the time, prescribes criteria for the Army Retention Program and sets forth policies and command responsibilities for immediate continued service of enlistment of Soldiers currently serving in the RA and enlistment and/or transfer and assignment of Soldiers processing from the RA to the Reserve Components (RCs) of the Army.

a. Paragraph 3-1 (Soldier processing), Soldier processing must ensure that all Soldiers accepted for retention possess the required qualifications. Processing should also ensure that records and reports are fully documented and confirm the Soldier's military status. Once the Soldier's military status is confirmed, DA Form 3286-79 (Statements for Reenlistment) is completed to prevent the possibility of erroneous reenlistments or misunderstandings concerning reenlistment entitlements or assignments.

b. Paragraph 3-2 (Determination of qualifications), a Soldier currently serving in the RA who wishes to reenlist or continue service for SRB will submit DA Form 3340 to their immediate commander. The commander will then determine if the Soldier is eligible for continued RA service. Soldiers must meet the basic eligibility criteria outlined in this chapter.

c. Paragraph 3-8 (Qualification of a Soldier for reenlistment),

(1) c. (Trainability and education (non-waiverable)), Soldiers must meet all trainability and educational requirements for the specific option for which reenlisting. Special training qualifications may be determined from official transcripts or records, or a statement signed by the Soldier certifying that they have the specific school training or courses required. Soldiers signing these statements who are found not to have the required schooling will have committed a fraudulent reenlistment.

(2) f. (Rank.), a Soldier may not exceed the retention control points by more than 1-month before expiration of contracted service (continued service). Soldiers selected for promotion to the rank of sergeant first class and master sergeant by an HQDA centralized board will no longer attain an extended retention control point until actual promotion pin-on to the higher rank.

d. Paragraph 3-11 (Reenlistment ranks and periods), unless otherwise prescribed by this regulation or by special directive, the rank, title, date of rank, and NCO or specialist status for Soldiers upon immediate reenlistment in the RA will be the same as that held on the day of immediate reenlistment. Immediate reenlistments in the RA may be authorized for periods of 2, 3, 4, 5, or 6-years, if otherwise qualified. Soldiers of the RA who have at least 12-years active Federal service in the Armed Forces as of the day

of discharge will be reenlisted for an unspecified period of service and as specified in the RA reenlistment option. Soldiers authorized to reenlist immediately for an option or special program requiring a minimum reenlistment period must reenlist as specified by that option or program directive.

e. Paragraph 5-2 (Program responsibilities), the DCS, G-1 will exercise general staff supervision over personnel policies governing the SRB Program. Corrections of contracts or extensions involving payment of SRB which resulted from career counselor error or oversight will be endorsed by the command career counselor and forwarded to HRC, Retention and Reclassification Branch for resolution.

f. Paragraph 5-3 (Selective retention bonus), the MOSs designated for the SRB Program will be announced by message from HRC, Retention and Reclassification Branch. The SRB Program is a retention incentive paid to Soldiers who reenlist for a minimum of 3-years in a military skill designated as critical. The objective of the SRB Program is to increase the number of reenlistments in critical MOSs that do not have adequate retention levels to staff the force. The bonus will be paid in addition to any other pay and allowances to which the Soldier is entitled.

g. Paragraph 5-4 (Individual qualifications for a selective retention bonus), reenlist for training in a new PMOS designated as critical as announced by MILPER messages. Soldiers who reenlist for training in a new PMOS designated as critical as announced by MILPER messages for an SRB will not receive their bonus payment until they have successfully graduated the associated training and are subsequently assigned in that PMOS.

h. Military Occupational Specialties (MOS) designated for the Selective Retention Bonus (SRB) Program will be announced by message from HRC Retention and Reclassification Branch. The SRB Program is a retention incentive paid to Soldiers who reenlist for a minimum of 3 years in a military skill designated as critical. The objective of the SRB Program is to increase the number of reenlistments in critical MOSs that do not have adequate retention levels to man the force. The bonus will be paid in addition to any other pay and allowances to which the Soldier is entitled. Soldiers who reenlist for training in a new Primary MOS (PMOS) designated as critical as announced by MILPER messages for an SRB will not receive their bonus payment until they have successfully graduated the associated training and are subsequently assigned in that Primary MOS. Soldiers who believe their contracts have been breached and that retention bonuses are involved will apply to the Army Board for Correction of Military Records (ABCMR).

2. Department of the Army Pamphlet 601-280 (Army Retention Program Procedures) in effect at the time, provides procedures regarding the Army Retention Program for the RA and the RCs of the Army. Paragraph 3-1 (Reenlistment Opportunity Window), the

ROW opens 12-months from a Soldier's contractual ETS, for those Soldiers whose contractual ETS dates are between 1 October 2021 and 30 September 2023. No Soldier with a contractual ETS date of 1 October 2023 and later will enter the ROW at any time during Fiscal Year (FY) 2022. The ROW normally continues through 90-days prior to a Soldier's ETS; however, this restriction has been suspended and may be reinstated without future notice.

3. MILPER Message Number 22-237 Selective Retention Bonus Program, effective 23 June 2022 and expired no later than 23 June 2023 announces changes to the Regular Army Selective Retention Bonus Program. Soldiers reenlisting may be entitled to a lump sum, flat-rate, SRB payment. Soldiers must currently possess a PMOS, rank and total active Federal service if listed on the table or be currently scheduled for training in the listed PMOS. Bonuses will not be paid until the Soldier has successfully graduated the PMOS with the associated bonus. The MILPER Message shows the PMOS of 51C was eligible for a SRB for the grade of sergeant and staff sergeant (SSG) tier 4. Tier 5 for SSG/sergeant first class for 60-months or more was in the amount of \$16,000.00.

4. MILPER Message Number 22-377 Selective Retention Bonus Program, effective 17 October 2022 and expired no later than 16 October 2023 and rescinded MILPER Message Number 22-237 announces changes to the Regular Army Selective Retention Bonus Program. Soldiers reenlisting may be entitled to a lump sum, flat-rate, SRB payment. Soldiers must currently possess a PMOS, rank and total active Federal service if listed on the table or be currently scheduled for training in the listed PMOS. Bonuses will not be paid until the Soldier has successfully graduated the PMOS with the associated bonus. The MILPER Message shows the PMOS of 51C was not eligible for the SRB.

5. AR 608-75 (Exceptional Family Member Program) establishes policies, responsibilities, and procedures for the EFMP. Paragraph 1-7, completion of DD Form 2792 (Exceptional Family Member Medical Summary) will constitute enrollment in the EFMP for Tri-Service Medical Care (TRICARE) Extended Care Health Option (ECHO) enrollment purposes. Participants in the EFMP are enrolled permanently in the program unless medical or special education needs warrant case closure or the Soldier is separated from the Army. Soldiers are responsible for keeping the medical and/or special education needs documentation current as EFM condition changes or at least every 3 years, whichever comes first.

//NOTHING FOLLOWS//