

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 August 2024

DOCKET NUMBER: AR20230013022

APPLICANT REQUESTS: payment of the Fiscal Year 2020 (FY20) Enlisted Affiliation Bonus (EAB) in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 600-7-4-R-E (Annex B to DD Form 4 - Enlisted Affiliation Bonus (EAB) Addendum) Army National Guard of the U.S. (ARNG)), 16 December 2019
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 16 December 2019
- Orders Number 1771506, 13 April 2022
- DD Form 2648 (Service Pre-Separation/Transition Counseling and Career Readiness Standards E-Form for Service Members Separating, Retiring, Released from Active Duty (REFRAD)), 16 August 2019
- DA Form 5691 (Request for Reserve Component Assignment Orders), 16 December 2019
- DA Form 5690 (Reserve Components Career Counselor Interview Record), 16 December 2019
- Individual Medical Readiness information
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 31 May 2020

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 that he was not paid his EAB despite being fully eligible for the incentive. He contests that the required documents were not properly uploaded in the Guard Incentive Management System (GIMS) in order for payment to be disbursed prior to him being discharged due to a hardship.

3. A review of the applicant's available service records reflects the following:

- a. On 19 January 2016, the applicant enlisted in the Regular Army to serve as a 68W (Healthcare Specialist) for 4 years.
- b. On or about 23 October 2017, the applicant was awarded the 68W Military Occupational Specialty (MOS).
- c. On 20 September 2019, Headquarters, Joint Readiness Training Center (JRTC) and Fort Polk issued Orders Number 263-0318 reassigning the applicant to the U.S. Army transition center pending transition processing into the U.S. Army Reserve (USAR) Control Group (Reinforcement).
- d. On 16 December 2019, the applicant enlisted in the Army National Guard (ARNG) for 3 years 10 months, with entitlement to a \$20,000.00 EAB to be disbursed in 2 increments (50 percent upon reporting to the unit and MOS verified in GIMS; 50 percent on the 2nd anniversary established by the contract date). His Enlisted Affiliation Bonus (EAB) Addendum (NGB Form 600-7-4-R-E), Paragraph 4 provides that termination without recoupment may occur if the applicant is discharged due to hardship and his discharge order is coded with "HA." The effective date of the termination will coincide with the discharge date.
- e. On 19 December 2019, Headquarters, JRTC and Fort Polk issued Orders Number 353-0312 amending Orders Number 263-0318 to reflect assignment to a ARNG unit rather than to the USAR Control Group (Reinforcement).
- f. On 18 January 2020, the applicant was honorably discharged from active duty. The applicant's records are void of the DD Form 214 associated with this period of service.
- g. On 31 January 2020, the [REDACTED] ARNG issued Orders Number 179666, reassigning the applicant to a [REDACTED] ARNG unit as a 68W with duty as an Ambulance Driver effective 19 January 2020.
- h. On 13 April 2022, the [REDACTED] ARNG issued Orders Number 1771506 voluntarily terminating the applicant's assignment in the [REDACTED] ARNG due to a Hardship/Religious Reason (HA) effective 1 June 2022.

4. The applicant provides:

- a. DD Form 2648 (Service Pre-Separation/Transition Counseling and Career Readiness Standards E-Form for Service Members Separating, Retiring, Released from

Active Duty (REFRAD)), 16 August 2019, reflective of the applicant's completion of the clearing requirements associated with his voluntary discharge from active duty.

b. DA Form 5691 (Request for Reserve Component Assignment Orders), 16 December 2019, reflective of the applicants follow on assignment and duty position within the ARNG upon his release from active duty. This form further provides the remaining service obligation associated with his transfer into the ARNG.

c. DA Form 5690 (Reserve Components Career Counselor Interview Record), 16 December 2019, reflective of the confirmation associated with the applicant's enlistment in the ARNG with entitlement to a bonus incentive. Review of this document further provides the Control Number associated with the applicant's assignment.

d. Individual Medical Readiness information, reflective of the applicant's pertinent medical information traditionally utilized to determine medical/dental fitness.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty), 31 May 2020, reflective of the applicant's service on active duty from 2 April – 31 May 2020, in support of COVID-19.

5. On 24 May 2024, the Chief, Special Actions, National Guard Bureau, provided an advisory opinion recommending approval of the applicant's request noting that he was separated from the [REDACTED] ARNG on 1 June 2022 with an assignment/reason loss code of "HA" for Hardship. The [REDACTED] ARNG recommends full relief of the Soldier's request because he was entitled to both payments; however, the contract was never manually input in GIMS due to a system outage. The applicant was flagged for adverse action from 15 December 2021 to 9 February 2022. This action may have delayed payment, but the flag was closed favorably and should not affect his eligibility for payment. Therefore, it is their recommendation for approval of the applicant's request for payment of the EAB in full because while he did not complete the full 3-year commitment, his contract states hardship discharge as grounds for termination without recoupment. If his contract payments had been executed on time, he would have been paid both installments before he was discharged.

6. On 3 June 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. He has not responded.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations of the NGB advisory official, the Board concluded there

was an error or injustice warranting payment of the applicant's Fiscal Year 2020 (FY20) Enlisted Affiliation Bonus (EAB) in the Army National Guard.

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 Army records of the individual concerned be corrected by paying the applicant's Fiscal Year 2020 (FY20) Enlisted Affiliation Bonus (EAB) in the Army National Guard based upon the terms outlined in his 16 December 2019 enlistment.

2/5/2025

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CHAIRPERSON

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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. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) provides that the EAB incentive is offered to an applicant who is a former enlisted member of an armed force who enlists in the Selected Reserve (SELRES) of an armed force for a period of not less than three years in a critical skill, unit, or pay grade designated by the Secretary concerned, after being discharged or released from active duty under honorable conditions. Soldier must execute a written agreement to serve as an enlisted member in the SELRES and meet the eligibility criteria for affiliation as prescribed by governing law.

a. Paragraph 1-26 (Termination Without Recoupment) provides that the conditions under which termination without recoupment of incentives is warranted are prescribed in this paragraph and also the applicable program chapters and sections of this regulation. The effective date of the termination will be the effective date of the action. Payments due prior to the effective date will be paid to the Soldier. Payments due after the effective date of the action will be canceled and will not be paid to the Soldier. Service members involuntarily discharged due to hardship may retain their incentive payments. Termination of the entitlement is effective the date of the discharge.

b. Section III (Enlisted Affiliation Bonus) provides that entitlement for the EAB incentive begins on the date of accession to the ARNG. The unit Commander must ensure that Soldiers are counseled when they affiliate, that they will not receive payments immediately under this program. Payments will be processed through personnel pay channels upon verification of all contractual documentation and meeting the terms and conditions outlined in the incentive agreement.

//NOTHING FOLLOWS//