

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230013110

APPLICANT REQUESTS: an exception to policy (ETP) permitting the retention of a previously received Prior Service Enlistment Bonus (PSEB).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: ETP, 10 July 2023
- DA Form 5261-5 (Selected Reserve Incentive Program (SRIP) – U.S. Army Reserve (USAR) PSEB Addendum), 27 April 2018
- Reserves Annex (Certificate and Acknowledgement USAR Service Requirements and Methods of Fulfillment), 27 April 2018
- Memorandum for Record (MFR) – Subject: ETP, 6 December 2022
- Memorandum – Subject: Letter of Support – Application for PSEB, 6 September 2023
- DD Form 4 (Enlistment /Reenlistment Document – Armed Forces of the U.S.), 27 April 2018
- Email communication
- Memorandum – Subject: ETP, 3 March 2023

FACTS:

1. The applicant states when he enlisted on 27 April 2018, he contracted for 6 years with entitlement to a \$15,000.00 PSEB. He contests that according to the Defense Finance and Accounting Services (DFAS) he was not eligible to receive this bonus incentive. He argues that at the time he enlisted in good faith according to the terms of the contract. At the time of application, he had completed 5 of the 6 years that he contracted for.

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

a. On 28 October 2004, the applicant enlisted in the Regular Army (RA) for 4 years to serve in military occupational specialty 68W (Health Care Specialist).

- b. On 6 June 2007, the applicant reenlisted for 6 years with entitlement to a Selective Retention Bonus (SRB).
- c. On 5 June 2013, the applicant was honorably discharged from the RA.
- d. On 10 March 2017, the applicant enlisted in the Army National Guard (ARNG) for 1 year.
- e. On 9 April 2018, the applicant was honorably released from the ARNG.
- f. On 27 April 2018, the applicant enlisted in the USAR for 6 years at the rank of sergeant (SGT)/E-5 with entitlement to a \$15,000.00 PSEB to be paid in 3 increments: 50 percent upon award of military occupational specialty (MOS) 74D (Chemical, Biological, Radiological and Nuclear Specialist) and 25 percent upon reaching the end of his 2nd and 4th year of satisfactory service in the USAR.
- g. On 14 August 2018, Headquarters, U.S. Army Reserve Command issued Orders Number 18-226-00014 awarding the 74D MOS to the applicant, effective 14 August 2018.
- h. On 24 August 2020, Headquarters, 63rd Readiness Division issued Orders Number 20-237-00031 announcing the applicant's promotion to the rank of staff sergeant (SSG)/E-6, effective 2 September 2020.
- i. On 29 December 2023, the applicant elected to extend his enlistment in the USAR by 1 year.
- j. On 17 April 2024, the applicant elected to extend his current enlistment in the USAR by 1 year changing his expiration term of service to 26 April 2026.

3. The applicant provides:

- a. Memorandum – Subject: ETP dated 10 July 2023, reflective of the USAR Command (USARC), Director Resource Management (USARC G-1) (Mr. [REDACTED]) directing the delay of the recoupment action associated with the applicant's erroneous receipt of the initial payment (\$7,500.00) of the PSEB until February 2024. Mr. [REDACTED] noted that the USAR pay center inadvertently coded and paid the applicant \$7,500.00 of the PSEB. Additional research revealed that the applicant had previously received a SRB in connection with his June 2007 reenlistment in the RA. Department of Defense Instruction (DODI) 1304.31 (Enlisted Bonus Program) prohibits service members who previously received an Enlistment Bonus (EB) from being eligible for a PSEB. Mr. [REDACTED] noted that the U.S. Army Recruiting Command failed to verify the applicant's eligibility for the PSEB. He further provides that the USARC G-1 lacks the authority to grant an

ETP in cases involving the DODI and therefore the applicant would need to request relief through this Board.

b. Reserve Annex (Certificate and Acknowledgement USAR Service Requirements and Methods of Fulfillment) dated 27 April 2018, reflective of the military service requirements associated with the applicant's enlistment in the USAR.

c. MFR - Subject: ETP dated 6 December 2022, reflective of the applicant's statement regarding his enlistment in the USAR with entitlement to the \$15,000.00 PSEB. The applicant again notes that he did so in good faith and has already received the initial payment of \$7,500.00 and would like an ETP authorizing receipt of the remaining portion of this bonus. He further provides receiving information that at the time of his enlistment, the SRIP authorized a maximum of \$7,500.00.

d. Memorandum – Subject: Letter of Support – Application for PSEB, dated 6 September 2023, reflective of the Commanding General, USARC, request for the applicant's record's to be updated to reflect entitlement to the remaining portion of the PSEB. Lieutenant General [REDACTED] provides that the applicant enlisted in good faith and relied upon the assurances of his recruiter and the language of his contract during this process. Failure to provide payment of the PSEB in its entirety after the applicant has completed 5 of the 6 years of his contractual obligation would constitute an injustice.

e. Email communication reflective of communication concerning the applicant's entitlement to the PSEB. On or about 6 November 2018, the applicant was advised to seek an ETP through the USARC G-1. This documentation is further provided in its entirety within the supporting documents for the Board's review.

f. Memorandum – Subject: ETP dated 3 March 2023, reflective of the USARC, Director Resource Management (USARC G-1) (Mr. [REDACTED] reflective of the USARC G-1 approval of the ETP and further directing that the applicant be paid the remaining \$7,500.00 associated with his PSEB. The applicant was advised to submit the required documents listed in the Reserve Pay Supplemental Guidance and a copy of this memorandum to the USAR Pay Center for processing.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the assessment of the Commanding General, USARC, that failure to pay the applicant the PSEB he contracted for in 2018 would constitute an injustice considering that he enlisted believing he was eligible for the incentive, when in

reality he was not. Based on a preponderance of the evidence the Board determined the applicant's record should be corrected to show an ETP was approved authorizing the applicant to retain the PSEB he contracted for in 2018 and he should be paid any remaining balance he is owed.

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 the Army records of the individual concerned be corrected by showing an ETP was approved authorizing him to retain the PSEB he contracted for in 2018. As a result of this correction, he should be paid any remaining balance he is owed.

12/26/2024

X

CHAIRPERSON

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 Instruction 1304.31 (Enlisted Bonus Program) provides policy, assigns responsibilities, and prescribes procedures for a bonus payment to personnel who affiliate with the Reserve Component of a Military Service. Paragraph 4-3 (Prior Service Reenlistment Bonus) provides that the Secretary of the Military

Department may offer a prior service reenlistment bonus to individuals with previous military service who reenlist in a Regular or Reserve Component of a Military Service after a break in active duty or reserve duty. The PSEB must not exceed \$15,000.00 for each year of obligated service in the Reserve Component. To be eligible for a NPSEB, a service member must not have previously received, or currently be entitled to, a Selective Retention Bonus in accordance with this issuance or a critical skills retention bonus.

2. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. It further provides that 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//