

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230013136

APPLICANT REQUESTS: in effect,

- to receive the second 25 percent payment of her Non-Prior Service Enlistment Bonus (NPSEB)
- payments on her Student Loan Repayment Program (SLRP) incentive

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), 29 July 2013
- Enlistment/Reenlistment Agreement Army National Guard (ARNG) Service Requirements and Methods of Fulfillment
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 ARNG of the United States)
- DA Form 5435 (Statement of Understanding the Selected Reserve Montgomery GI Bill)
- Annex K to DD Form 4 Montgomery GI Bill Selected Reserve (MGIB-SR) Kicker Addendum the ARNG of the United States
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 31 December 2015
- Joint Force Headquarters (HQs) District of Columbia National Guard Orders Number 334-105
- 104th Maintenance Company Memorandum for Record (MFR), Subject: Staff Sergeant (SSG) S-, L- (the applicant) Bonus and SLRP Payment

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 she enlisted in the ARNG in 2013 for a \$10,000.00 NPSEB of which she received the initial payment of 50 percent upon completion of her Advanced Individual Training (AIT). The second 25 percent installment was due on her third year anniversary of her enlistment which was 29 July 2016. She entered the Active Guard/Reserve (AGR) program on 1 December 2016 after becoming eligible for the second installment. She also enlisted for the SLRP incentive of which zero payments have been made towards her student loans. She believes the mismanagement of her NPSEB and SLRP was due to the lack of personnel in the human resources office of the District of Columbia Army National Guard (DCARNG). In July 2023, she was informed by the Readiness Noncommissioned Officer that she was still owed her bonus payment.

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

a. On 29 July 2013, the applicant enlisted in the Army National Guard of the United States (ARNGUS) for 8 years. In conjunction with this enlistment:

(1) Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment shows the applicant agreed to serve 6 years in the ARNG and 2 years in the Individual Ready Reserve for a total of an 8-year service obligation. She would become Military Occupational Specialty (MOS) qualified in 88M (Motor Transport Operator). The agreement shows the list of addendums being: enlisted bonus, MGIB Kicker, MGIB, and SLRP.

(2) NGB Form 600-7-1-R-E shows the applicant may receive the SLRP and/or the MGIB – SR Kicker simultaneously with the NPSEB. She enlisted in the ARNG for not less than 6 years and she understood the NPSEB addendum must be signed and dated the same date as the DD Form 4. She was not enlisting in the Selected Reserve for the purpose of qualifying for an AGR position. She enlisted for 6 years in a valid vacant position to receive a total of \$10,000.00 less taxes in MOS 88M in Tier Level 4. She would be paid in three installments with the first 50 percent to be paid upon successful completion of AIT. The second installment would be paid on the third year anniversary of her enlistment which was 29 July 2016. The NPSEB was to be terminated without recoupment if she:

- failed to ship
- failed to come duty MOS qualified within 24-months of enlistment
- accepted an AGR position and served more than 180-days of the reenlistment/extension contract, effective the date of termination was her AGR start date and loss of all future payments

(3) NGB Form 600-7-5-R-E shows the applicant was eligible to receive the NPSEB and MGIB-SR Kicker simultaneously with the SLRP incentives. She had seven

disbursed loan(s) existing in the amount of \$10,213.00. The total amount of repayment for qualifying loan(s) would not exceed \$50,000.00 with annual repayments of 15 percent of the original balance of the loan(s) plus accrued interest. She enlisted in the ARNG for a period of not less than 6 years. The SLRP incentive may be terminated without recoupment if the service member voluntarily changed her enlistment MOS during the contractual obligation or if she accepted an AGR position.

b. On 17 September 2013, Orders Number 3280003, issued by the Military Entrance Processing Station, the applicant was ordered to initial active duty for training, effective 7 October 2013, for 10 weeks of basic combat training and 7 weeks of MOS training.

c. On 13 February 2014, Orders Number 044-1577, issued by the U.S. Army Maneuver Support Center of Excellence, the applicant was awarded MOS 88M, effective 21 February 2014.

d. On 21 February 2014, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 4 months and 15 days of active service and was awarded MOS 88M.

e. On 30 November 2016, Orders Number 334-105, issued by the Joint Force Headquarters (HQs) DCARNG, the applicant was ordered to Full Time National Guard duty in an AGR status, effective 1 December 2016, for the period 1 December 2016 through 28 July 2019.

f. The applicant's DA Form 4187 (Personnel Action) shows she changed her name from L- G- to L- S- due to a marriage.

g. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Petroleum Supply Specialist (92F) course during the period of 3 April through 15 June 2017.

h. On 23 May 2019, the applicant extended her enlistment in the ARNG for 6 years.

i. On 12 July 2019, Orders Number 193-066, issued by the Joint Force HQs DCARNG, the applicant was ordered to Full Time National Guard duty in an AGR status, effective 1 December 2016, for the period 29 July 2019 through 28 July 2025.

4. The applicant provides 104th Maintenance Company MFR, Subject: SSG S-L- (the applicant) Bonus and SLRP Payments (unsigned), which states, the applicant enlisted in the ARNG for a \$10,000.00 NPSEB of which she received the initial payment of 50 percent upon completion of her AIT. The second installment was due on her third year anniversary of her enlistment which was 29 July 2016. The applicant entered the AGR

program on 1 December 2016. She also enlisted for the SLRP incentive of which zero payments have been made towards her student loans.

5. On 8 April 2024, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for the second installment of her NPSEB and the payment of her student loans through her SLRP incentive. The advising official recommended partial relief. The applicant enlisted in the ARNG on 29 July 2013 for 6 years and a \$10,000.00 bonus in MOS 88M. She received the first payment of 50 percent upon completion of AIT and a second payment was processed on the third anniversary of her enlistment. For a total of \$7,500.00. The third installment was not paid due to the applicant accepting an AGR assignment on 1 December 2016 and changing her MOS to 92F which made her ineligible for her last payment. It was also confirmed the applicant was eligible for the SLRP with her NPSEB agreement and those payments had not been paid. It is the NGB recommendation to deny any additional payments of the applicant's NSPEB; however, SLRP payments due to the applicant while eligible should be paid.

6. On 10 April 2024, the Army Review Boards Agency, Case Management Division, provided the applicant with a copy of the advisory opinion for review and comment. She did not respond.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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.

a. Upon review of the applicant's petition, available military records, and the National Guard Bureau (NGB) advisory, the Board concurred with the advising official finding the applicant ineligible for the third installment of her Prior Service Enlistment Bonus due to her accepting an Active Guard Reserve position, rendering her ineligible for the payment.

b. Additionally, upon review of the applicant's petition, available military records, and the NGB advisory, the Board determined the applicant was eligible for the Student Loan Repayment Program incentive and did not receive compensation as such.

c. Therefore, the Board concluded the applicant should not receive an additional installment for the NPSEB and show receive payment for the SLRP incentive.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 the applicant signed a Service Agreement/Contract to enter the U.S. Army Reserve on 29 July 2013 with two incentives: Student Loan Repayment Program (SLRP) and Prior Service Enlistment Bonus (NPSEB)
- showing the applicant's Service Agreement was signed by a service representative and timely processed and entered in the Reserve Component Manpower System (RCMS)
- payment of eligible loans, in accordance with her revised Service Agreement, provided she is otherwise qualified and provided her loans meet statutory and regulatory requirements, as a result of this correction

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional installment payments of the NPSEB.

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, USC, 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 Programs) governs policies and procedures for the administration of the Army National Guard of the United States incentive programs.

a. Paragraph 1-26 (Termination without Recoupment), the conditions under which termination without recoupment of incentives is warranted. Payment due after the effective date of the action will be canceled and will not be paid to the Soldier:

- enlisted while attending high school and does not become a high school graduate
- fails to ship within the required time period
- involuntary separation as a result of unit transition or reduction in force
- separation due to sole survivorship
- separation from ARNG or transfer from designated bonus position due to death, injury, illness or other impairment that is not the result of misconduct by the Soldier
- fails to become duty MOS qualified in contract incentive from date of enlistment
- accepts an AGR position and has served the required amount of time, the termination effective date is one day prior to the start date of the AGR tour

b. Chapter 2, section I, eligibility for NPSEB, an incentive offered to applicants who have not previously serviced in the Armed Forces who:

- contract for 8-year term of service of which no less than 3-years must be served in a drilling status
- enlist for minimum term of service and be trained in a critical skill which is approved for bonus entitlements
- meet the current fiscal year (FY) Selected Reserve Incentive Program (SRIP) policy requirements
- fill a valid vacant position and not an excess, over-strength or manually loaded vacancy
- not enlisted to qualify for a military technician or an active guard reserve (AGR) position

- executed a written agreement to serve as an enlisted member in the Selected Reserve

c. Chapter 2, section VII (Student Loan Repayment Program (SLRP)), Public Law 99-145, section 671 (a)(1) authorizes the education loan repayment program for qualified members of the Selected Reserve enlisted personnel with loans made, insured, or guaranteed. Repayment of any such loan will be made on the basis of each complete year of service performed by the borrower. (a) The SLRP may be offered to NPS applicants who meets the following requirements:

- enlist for minimum of a 6-year obligation
- enlist in a critical skill vacancy with is approved for SLRP
- enlist in a valid vacancy and not an excess, over-strength, or manual loaded vacancy
- have one or more disbursed qualifying loan(s)
- be a secondary school graduate
- not enlisting to qualify for a military technician or AGR position

//NOTHING FOLLOWS//