

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2024

DOCKET NUMBER: AR20230014018

APPLICANT REQUESTS: payment of his \$10,000.00 Enlisted Affiliation Bonus (EAB) contracted on 13 April 2016 in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5691-R (Request for Reserve Component Assignment Orders), 13 April 2016
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 13 April 2016
- DA Form 7249-R (Certificate and Acknowledgement of Service Requirements and Methods of Fulfillment for Individual Enlisting or Transferring Into Units of the Army National Guard (ARNG) Upon REFRAD/Discharge from Active Army Service), 13 April 2016
- Attachment to DA Form 7249-R (Annex A), 13 April 2016
- NGB Form 600-7-4-R-E (Annex B to DD Form 4 - Enlisted Affiliation Bonus (EAB) Addendum ARNG), 13 April 2016
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 3 October 2016

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:

a. He transitioned from active duty to the [REDACTED] Army National Guard ([REDACTED] ARNG) in October 2016. His contract had an enlistment bonus of \$10,000 total that he has yet to receive. The payments were supposed to be distributed in two parts; \$5,000 within the first six months of reporting and the other \$5,000 after the fourth year of the contract. That contract ended last year, October 2016. It should be noted, he has not been

placed in a flagged status or has faced Uniform Code of Military Justice action during the duration of his contract to void the bonus. The bonus distribution is clearly stated in his contract.

b. He has waited patiently for this issue to get fixed. He has served honorably and served within the bounds of his contract without issues. He was not met with the same expectation when it came to receiving a bonus which is long overdue.

3. A review of the applicant's official records show the following:

a. On 31 May 2011, he enlisted in the Regular Army (RA). He completed training requirements and was awarded Military Occupational Specialty (MOS) 13F (Fire Support Specialist).

b. On 13 April 2016:

(1) DA Form 5691-R shows he requested assignment to a ■■■ ARNG unit in ■■■■■ and DD Form 7249-R shows he acknowledged his obligation and participation requirements for enlisting into his ARNG unit.

(2) DD Form 4 shows he enlisted in the ■■■ ARNG for a period of 6 years. In connection with his ■■■ ARNG enlistment he completed and signed an Enlisted Affiliation Bonus Addendum, NGB Form 600-7-4-R-E, which states, in pertinent part:

(a) The applicant was affiliating in Duty Military Occupational Specialty Qualified (DMOSQ) within substitution rules of Department of the Army Pamphlet 611-21, for the duty position to which he was being assigned that matched the authorized military grade commensurate with the position by skill level into an identified Critical Skill (CS) vacancy in the grade of E-7 or below, in a paragraph/line for a 6-year term of affiliation.

(b) He was affiliating into a valid Automated Unit Vacancy System, Army Automated Reenlistment Reclassification System and the Guard Incentive Management System (GIMS) qualifying valid top loaded vacancy in a Modified Table of Organization and Equipment (MTOE) or Medical Table of Distribution and Allowances unit. He must not be filling an excess, overstrength or manually loaded vacancy and must be assigned in the same Unit Identification Code (UIC): WP5NTD and EAB MOS: 13F for which he was receiving the EAB on his ARNG affiliation start date (Day after his RA Expiration of Term of Service Date). Exceptions were not authorized.

(c) He was affiliating while serving in the RA on Active Duty through a Reserve Component Career Counselor/Active Component Career Counselor and was affiliating into the ARNG for a 6-year service agreement. He was also affiliating in the

ARNG for the 6-year CS DMOSQ EAB and would receive a total payment in the amount of \$10,000.00 less taxes. The EAB would be processed in two (2) installments. The first 50% would be processed within 180 days after his affiliation into the ARNG, reporting to his unit of assignment and verification of his critical EAB UIC/MOS qualification in GIMS to include meeting the physical requirements for his EAB MOS. The second 50 percent would be processed within 180 days after the fourth year anniversary of his EAB contract start date provided installment one was previously processed. The EAB contract would be validated by the State Incentive Manager prior to an EAB payment being processed.

c. On 3 October 2016, DD Form 214 shows the applicant was honorably released from active duty and was transferred to his ■■■ ARNG unit.

d. On 3 October 2023, the applicant was honorably discharged from the ARNG. His NGB Form 22 (National Guard Report of Separation and Record of Service) shows he completed 7 years net service this period.

3. On 22 July 2024, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended approval of the applicant's request. The advisory official stated:

a. The applicant signed a reenlistment/extension bonus (REB) addendum in 2016 when he transitioned to ■■■ ARNG. He was eligible for a \$10,000 bonus. However, the applicant never received any payments due to system errors. The applicant requests payment of his REB that he did not receive due to no fault of his own.

b. The applicant's records show that he signed a REB contract on 13 April 2016. The contract was established in GIMS on 17 May 2017, but went into Monitor Rule Fail on 2 August 2017 because there was a mismatch between UICs. However, ■■■ ARNG attempted to correct this error by manually verifying because the UIC changed after an MTOE change. The contract was established in DJMS on 28 August 2018, but the first installment batched for payment was rejected on 6 September 2018. The first installment was "requeued" for payment but was rejected again and was released for manual payment on 12 March 2021. However, the first installment was cancelled by the system on 17 March 2023 because it had been more than six years.

c. Based on the applicant's claims and his records, the applicant never received his payment of his REB because of an error in processing his incentive contract. It is recommended that the applicant receive his payment of his REB from his contract in 2016. The applicant was fully eligible for the incentive. He served the entirety of his contract in good standing. ■■■ ARNG recognizes this error and supports the payment of

the applicant's REB. ■■■ ARNG cannot process the payment manually now because it is a closed year payment. They are working to process the second installment for payment.

d. For these reasons, it is the recommendation of this office that the applicant's request be approved. The applicant should be paid the first installment of \$5,000. FLARNG is currently working with NGB to process the second installment of the applicant's REB.

e. The Army National Guard Incentives Branch did not provide input for this recommendation. The ■■■ Army National Guard concurs with this recommendation.

4. On 24 July 2024, the applicant was provided a copy of the NGB advisory opinion for comments or rebuttal. He did not respond.

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 signed a reenlistment/extension bonus (REB) addendum on 13 April 2016 when he transitioned to ■■■ ARNG. He was eligible for a \$10,000 bonus. However, the applicant never received any payments due to system errors. The applicant requests payment of his REB that he did not receive due to no fault of his own. The contract was established in GIMS but there was a mismatch between UICs. The ■■■ ARNG attempted to correct this UIC change/error manually with no luck. The Board reviewed and agreed with the NGB advisory official's determination that the applicant was fully eligible for the incentive; he served the entirety of his contract in good standing; and the ■■■ ARNG recognizes this error and supports the payment of the applicant's REB. Therefore, the Board determined the applicant should be paid the first installment of \$5,000. ■■■ ARNG is currently working with NGB to process the second installment of the applicant's REB.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
■	■	■	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 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 timely submitted an exception to the National Guard Bureau (NGB) for payment of the first 50% of his \$10,000.00 Enlisted Affiliation Bonus (EAB) contracted on 13 April 2016
- showing the NGB timely received, processed, and approved his exception to policy, and paying him the first 50% of his EAB in accordance with his 13 April 2016 EAB Addendum

8/14/2024

X [Redacted Signature]

CHAIRPERSON
[Redacted Name]

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 (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. Title 31 USC, section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, U. S. Code, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.
3. Title 37, USC, section 331 (General bonus authority for enlisted members) provides that, the Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who (1) enlists in an armed force; (2) enlists in or affiliates with a reserve component of an armed force; (3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve for a specified period in a designated career field, skill, or unit of an armed force.
4. National Guard Regulation 600-7 (Selected Reserve Incentive Programs (SRIP)) governs policies and procedures for the administration of the ARNG SRIP programs. In pertinent part:
 - a. Paragraph 1-20 (Incentive payments) states –
 - (1) The ARNG requires the unit commander or other designated individuals to initiate eligibility reports for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager (IM) for processing through the incentive management system for payment.
 - (2) The Commander's Eligibility report will be issued to each respective unit. A suspense date will be established for the return of the certified document to the State IM. The unit commander will certify the Commander's Eligibility report to verify eligibility for payment or cause for suspension or termination. The State G1/J1/MILPO may delegate the unit commander certification authority to the State IM.
 - (3) The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not

receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

(4) The State IM, in accordance with regulatory and SRIP policy guidance, will verify the following: (a) Continued eligibility for payment and correct due date. (b) Suspension reason and correct suspension date. (c) Termination reason and correct termination date.

b. Section III – EAB, paragraph 2-10 (Entitlement) states, the entitlement for 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.

5. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures) provides that, as a condition of the receipt of an incentive covered by this Instruction, each recipient shall be required to sign a written agreement stating that the member has been advised of and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. That agreement shall clearly specify the terms of the Reserve service commitment that authorizes the payment of the incentive to the member.

//NOTHING FOLLOWS//