

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 October 2024

DOCKET NUMBER: AR20240000810

APPLICANT REQUESTS: reversal of the National Guard Bureau (NGB) disapproval of his Exception to Policy (ETP) request to retain the Reenlistment/Extension Bonus (REB), dated 9 July 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 9 July 2018
- NGB Form 600-7-4-R-E (Annex R to DD Form 4 or DA Form 4836 - REB Addendum - Army National Guard of the United States (ARNG)), 9 July 2018
- Email containing a screenshot, December 2020 - March 2021
- Order Number 0001211446.00, 3 June 2021
- DA Forms 705-Test (Army Combat Fitness Test (ACFT) Scorecard), 16 October 2022 and 5 November 2023
- DA Form 2166-9-2 (Noncommissioned Officer Evaluation Report (Staff Sergeant-1SG/Master Sergeant)), 10 March 2023
- Memorandum, Subject: ETP Disapproval, REB for [Applicant] [REDACTED] 15 December 2023

FACTS:

1. The applicant states he requests an ETP for the second half of the REB. He is currently serving in good standing and maintains his current contracted Military Occupational Specialty (MOS) in a broadening assignment under a Table of Distribution Allowance (TDA) unit other than the RTI (Regional Training Institute). He should receive the second half of the bonus. He submitted an ETP around October 2023 to receive the second half of the REB. The ETP was denied, and he was instructed by the G-1 to file a challenge.

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

- a. He enlisted in [REDACTED] Army National Guard (■ ARNG) on 7 May 2007.
- b. On 22 May 2007, he entered initial active duty for training.

c. On 5 October 2007, he was honorably released from initial active duty for training and awarded MOS 11B (Infantryman).

d. On 3 July 2012, DA Form 4836 shows he extended his █ ARNG enlistment for a period of 6 years, which changed his Expiration Term of Service (ETS) to 7 May 2019.

e. On 9 July 2018, DA Form 4836 shows he extended for 6 years in the ARNG which changed his ETS to 6 May 2025. In connection with this extension, the applicant completed and signed NGB Form 600-7-4-R-E, which states, in pertinent part:

(1) He reenlisted/extended as a current Soldier that is Duty MOS Qualified (DMOSQ). He reenlisted/extended in MOS 11B for which he was MOS Qualified in for 6 years.

(2) He reenlisted/extended for the Six-Year DMOSQ REB and would receive a total amount of \$20,000.00. His incentive would be processed in two installments. The first 50 percent payment would be processed the day after his current ETS upon verification of his MOS and unit of assignment qualification in the Guard Incentive Management System. The second 50 percent payment would be processed on the fourth-year anniversary of his contract start date provided installment 1 was previously processed.

(3) He understood that he would be eligible for continued receipt of his contract if:
(a) He was performing Active Duty Operational Support (ADOS) or Full Time National Guard Duty for Operational Support and would continue to meet the eligibility criteria for this contract provided he remained assigned in his contractual MOS and Unit Identification Code (UIC). (b) He accepts a position as a "RTI instructor assigned to a MOS Immaterial (00F)" or contracted MOS position and may retain this incentive provided he continued to remain qualified in his MOS along with meeting all other requirements for this incentive. Note: Any transfer order stating, "Individual's Request or in accordance with (IAW) State Laws and Regulations" will not substantiate retention of this contract unless the reason for transfer is specified in the "Remarks Section."

(4) The applicant acknowledged he understood he may be terminated from eligibility with recoupment for (a) Voluntarily changing his MOS during the contractual obligation even if the new UIC is in the same Critical Skill MOS, unless assigned as an 09R (Simultaneous Membership Program Cadet), 09S (Officer Candidate School Candidate) or 09W (Warrant Officer Candidate) or remain within the reasons for continued receipt in Section V (Continued Receipt). The effective date of termination is his transfer order date. (b) Transferring within the State or Interstate Transfer for reasons other than those covered under Army Regulation (AR) 601-210 (Regular Army and Reserve Components Enlistment Program) will be governed by the following: (1) If he was moved involuntarily to an MOS for which he is not qualified, he will have 24

months from date of transfer plus any periods of deployment to become DMOSQ in his new MOS and he will remain eligible for any schedule payment(s). If he failed to become DMOSQ within 24-months plus periods of deployment, his incentive would be terminated effective the date of his transfer order. (2) He voluntarily transfers out of his incentive MOS into a different MOS. The effective date of termination is the date on his transfer order. Note: Any transfer order stating, "Individual's Request or IAW State Laws and Regulations" will not substantiate retention of the incentive unless the reason for transfer is specified in the "Remarks Section."

f. On 27 January 2021, the [REDACTED] ARNG published Order Number 0000957183.00, which promoted the applicant to the rank/grade of sergeant first class/E-7, effective 24 November 2020.

g. On 3 June 2021, the [REDACTED] ARNG published Order Number 0001211446.00, which assigned the applicant to [REDACTED] ARNG Training Center, [REDACTED] (UIC [REDACTED]), effective 2 June 2021. The orders show:

- Duty Position Title: ARNG Title 32 ADOS
- Action Type: Permanent Change of Assignment
- Purpose/Reason: ARNG-Intra Command Move
- Duty Position Title: #1 Range Control NCO

h. On 15 December 2023, the NGB, Chief, G-1 Operations Division, notified the [REDACTED] ARNG State Incentive Manager that the applicant's ETP request to retain the REB was denied. The Chief, G-1 Operations Division stated:

(1) The ETP request on behalf of the applicant to retain the REB is denied. Relief from recoupment of the initial payment, in the amount of \$10,000.00, is granted.

(2) The applicant transferred to an unauthorized TDA unit, which is a violation of Fiscal Year 2018 Selected Reserve Incentive Program (SRIP). [REDACTED] State Incentive Manager will terminate the REB without recoupment. A copy of this memorandum must be placed in the Soldier's Army Military Human Resources Record.

i. His record contains an Enlisted Record Brief dated 12 May 2024, which shows in Section IX (Assignment History), he was assigned to the [REDACTED] ARNG Training Center, [REDACTED] (UIC - [REDACTED]), Duty MOS "00F4O" (Immaterial), effective 2 June 2021.

j. The applicant is currently serving in the [REDACTED] ARNG.

3. In support of his case the applicant provides:

- a. Email containing a screenshot during the period of December 2020 - March 2021, which appears to show the applicant's chain of command discussing his transfer to the RTI.
- b. DA Forms 705-Test dated 16 October 2022 and 5 November 2023, which shows he passed height, weight, and the ACFT.
- c. DA Form 2166-9-2 covering the period of 11 March 2022 to 10 March 2023, which shows he received an annual NCOER with favorable ratings.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found the evidence confirms the applicant transferred to a unit that did not meet the terms of his REB contract, and therefore his bonus eligibility was terminated without recoupment. The Board found no evidence of error in the decision to terminate his incentive. Based on a preponderance of the evidence, the Board determined the decision to disapprove his request for an ETP was not in error or unjust.

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.

3/31/2025

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 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement stating 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. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.
2. 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, 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. The State IM, in accordance with regulatory and SRIP policy guidance, will verify the following: (1) Continued eligibility for payment and correct due date. (2) Suspension reason and correct suspension date. (3) Termination reason and correct termination date. Payment of incentives is not immediate under these programs. Payment processing and verification of eligibility is required before payment is made.
 - b. Paragraph 1-24 (Termination of incentives) states, incentive eligibility and entitlement will stop when any of the termination reasons listed in paragraphs 1-25 and 1-26 or the applicable program chapters and sections apply. The Soldier will not be eligible to receive any further incentive payments, except for Service performed before

the termination date. Termination of an incentive will not affect a Soldier's responsibility to serve their current statutory or contractual Service commitment. The unit commander or authorized unit representative will initiate termination procedures and inform the State IM when a Soldier is not in compliance with the incentive terms and conditions.

3. AR 601-210 (Regular Army and Reserve Components Enlistment Program) prescribes eligibility criteria governing the enlistment of persons, with or without prior service, into the Regular Army, the U.S. Army Reserve, and the ARNG. In pertinent part, paragraph 10-8 (Termination of incentives) states, entitlement to an incentive will be terminated when any of the following termination reasons apply before the fulfillment of the service described in the member's written agreement. That member will not be eligible to receive any further incentive payments, except for service performed before the termination date. Once declared ineligible, termination of an incentive will not affect a Soldier's responsibility to serve their current statutory or contractual service commitment. Termination of eligibility to an incentive will occur if a Soldier voluntarily moves to a non-bonus unit or Military Occupational Specialty.

//NOTHING FOLLOWS//