

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240000949

APPLICANT REQUESTS: entitlement to initial payment of his Non-Prior Service Enlistment Bonus (NPSEB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 12 November 2016
- Orders Number 305-529, 1 November 2017
- Orders Number 363-564, 28 December 2016
- DA Form 1559 (Inspector General (IG) Action Request), 28 February 2023
- Guard Incentive Management System (GIMS) screenshot
- Email communication
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 3 December 2015
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 – Non-Prior Service Bonus Addendum – Army National Guard (ARNG) of the U.S.), 3 December 2015
- DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.)
- Memorandum – Subject: Notification of Potential Entitlement to Incentive Payments, 14 March 2024
- NGB Form 22 (Report of Separation and Record of Service), 13 December 2019
- Orders Number 430678, 3 June 2020

FACTS:

1. The applicant states in pertinent part that he enlisted in the ARNG on 3 December 2015 with entitlement to a \$7,500.00 enlistment bonus to be disbursed in three increments of which the initial portion of 50 percent was supposed to be paid upon graduation from Advanced Individual Training (AIT). While attending AIT, the ALARNG closed all allocations for the 13F (Fire Support Specialist) Military Occupational Specialty (MOS) further requiring him to be transferred to a different unit, other than the contracted unit. In September 2017, he elected to participate in the Reserve Officers' Training Corps (ROTC) program and was transferred to a Military Police Company. In

June 2022, he inquired about payment of his NPSEB through various members of the ARNG. In February 2023, he requested the assistance of the IG's office. In response, upon review it was determined that the applicant was precluded from receiving the NPSEB due to not being assigned to a position that he was qualified for. He contests that this information is incorrect as he is qualified as a 13F.

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

a. On 3 December 2015, the applicant enlisted in the ARNG for 8 years with duty as a 13F. In connection with this enlistment, the applicant elected to receive the \$7,500.00 NPSEB to be disbursed in three increments: (50 percent upon becoming Duty Military Occupational Specialty Qualified (DMOSQ), 25 percent on the third-year anniversary and 25 percent on the fifth-year anniversary). NGB Form 600-7-1-R-E, Section II (Eligibility) provides that the applicant must fill a valid Automated Unit Vacancy System position in the Recruit Quota System and enlist into a qualifying valid top loaded vacancy in a Modified Table of Organization & Equipment, or Medical and Table of Distribution and Allowances unit only. This document further provides that he was enlisting for a Critical Skill vacancy in the grade of E-4 or below in a unit and a MOS, position within Tier Levels 1–5 that matches the authorized military grade and skill qualification commensurate with the position for which he was enlisting. Section VI (Termination) provides that entitlement to this incentive may be terminated without recoupment if the applicant failed to become DMOSQ within 24 months from the date of enlistment or served at least one day past his contract start date and accepted an ROTC scholarship. The effective date of termination is the college class start date or the signature date on the Cadet Command Form 203-R.

b. On 13 September 2016, the U.S. Army Installation Management Command issued Orders Number 257-373 which awarded the applicant MOS 13F, effective 10 November 2016.

c. On 22 September 2017, the applicant elected to participate in the ROTC Simultaneous Membership Program (SMP). DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract) provides that his ROTC education commenced on 11 January 2016.

d. On 13 December 2019, the applicant was honorably discharged from the ARNG in order to be appointed a commission.

e. On 14 December 2019, the applicant was appointed a Reserve commission.

3. The applicant provides the following a:

a. DD Form 214, ending on 12 November 2016, reflective of the applicant's service on active duty from 26 June 2016 – 12 November 2016.

b. Orders Number 305-529 dated 1 November 2017, reflective of the applicant being reassigned from C Company, 1st Battalion, 173rd Infantry Regiment to the 1165th Military Police Company, effective 21 July 2017, due to his enrollment in the ROTC Program. The applicant was further assigned to a 31B (Military Police) position.

c. Orders Number 363-564 dated 28 December 2016, reflective of the applicant being released from attachment to the AL Recruiting and Retention, effective 28 December 2016.

d. DA Form 1559 dated 28 February 2023, reflective of the applicant's submitted request for IG assistance with receiving payment of his 2016 NPSEB. The applicant provides a chronological timeline of his attempts to resolve the issue between June 2022 – February 2023.

e. GIMS screenshot, reflective of the documents contained within the applicant's records pertaining to his NPSEB.

f. Email communication reflective of communication pertaining to the applicant's efforts towards receiving his NPSEB to include seeking assistance from various resources to include the IG, Retention and Attrition Management Office, and his Battalion leadership.

g. Memorandum – Subject: Notification of Potential Entitlement to Incentive Payments dated 14 March 2024, reflective of a review of the applicant's records revealing that he did not receive his NPSEB in its entirety prior to his separation from the ARNG. The applicant was further advised to seek the assistance of this Board.

h. Orders Number 430678 dated 3 June 2020, reflective of the applicant's voluntary separation from the ARNG, effective 13 December 2019, in order to be appointed a Reserve commission.

4. On 27 August 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending partial approval of the applicant's request

a. The applicant signed a Non-Prior Service bonus addendum in 2015 when he joined ALARNG. He was eligible for a \$7,500 bonus. However, the applicant never received any payments due to system errors. The applicant requests payment of his bonus that he did not receive due to no fault of his own.

b. The applicant's records show that he signed a Non-Prior Service bonus contract on 3 December 2015 as MOS 13F in UIC WPKPT0. The contract was established in GIMS, but verification failed due to a MOS mismatch. Eligibility was established again in December 2016. The first installment was supposed to be paid out after the applicant became DMOSQ within 24 months of the contract start date and is assigned to the same MOS and UIC for which he enlisted. The applicant graduated AIT and became DMOSQ in November 2016 at which point he should have been paid the first 50% of his bonus. However, at the time, his unit had no available 13F slots, and the applicant was slotted as an ambulance driver as a 68W. This caused an error in GIMS and prevented the applicant from receiving his first half of his bonus. The second 25% payment was supposed to be processed on the third-year anniversary of the enlistment date, and the final 25% payment was supposed to be processed on the fifth-year anniversary of the enlistment date.

c. According to NGB Form 600-7-1-R-E Section VI, the bonus contract will be terminated if the applicant becomes either a simultaneous member of an authorized Officer commissioning program or accept an immediate commission/appointment as an Officer/Warrant Officer. The applicant signed a Simultaneous Membership Program (SMP) agreement in September 2017 which terminated the rest of his Non-Prior Service bonus contract.

d. Based on the applicant's claims and his records, the applicant never received his payment of the first half of his Non-Prior Service bonus because of an error in processing his assignment. It is recommended that the applicant receive his payment of the first half of his bonus. The applicant was fully eligible for the incentive at the time and had met all qualifications. ALARNG recognizes this error and supports the payment of the applicant's bonus. Since the applicant signed an SMP agreement in 2017 to enroll in the Advanced ROTC Course, his eligibility for the bonus was terminated.

e. For these reasons, it is the recommendation of this office that the applicant's request be partially approved. The applicant should be paid the first installment of \$3,750 for which he was fully qualified for, but he is not eligible to receive the remainder of his bonus. The Army National Guard Incentives Branch did not provide input for this recommendation. The Alabama Army National Guard concurs with this recommendation.

5. On 28 August 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 2 October 2024, 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 partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant signed a Non-Prior Service bonus addendum in 2015, in MOS 13F, when he joined Alabama Army National Guard (ALARNG). He was eligible for a \$7,500 bonus. However, the applicant never received any payments due to system errors. The applicant now requests payment of his bonus that he did not receive due to no fault of his own. The applicant was fully eligible for the incentive at the time and had met all qualifications. According to the NGB, the contract was established in GIMS, but verification failed due to a MOS mismatch. The applicant then signed an SMP agreement in 2017 to enroll in the ROTC Program, which terminated the incentive. The NGB advised that at the time when he completed advanced individual training his unit had no available 13F slots. This caused an error in GIMS and prevented him from receiving his first half of his bonus. The State ARNG recognizes this error and supports the payment of the first half (\$3,750.00) of his bonus. The Board is persuaded by the State's explanation. The Board also agreed with the NGB's determination that since the applicant was never paid the incentive upon completion of his MOS training in 2015, and since he signed an SMP agreement in 2017 to enroll in the ROTC Program, which would have terminated the incentive then, he should be eligible for a portion of the incentive.

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 and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted an exception to policy to the National Guard Bureau (NGB) for payment of his non-Prior Service Enlistment Bonus
- showing the NGB timely received and processed his exception to policy for partial payment of the incentive from 3 December 2015 (beginning date of incentive) to 22 September 2017 (termination date of incentive)

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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. Department of Defense Instruction (DoDI) 1304.31 (Enlisted Bonus Program) provides that the Secretaries of the Military Departments may pay a bonus under the Enlisted Bonus Program (in accordance with Title 37, United States Code (USC),

section 331) to persons or members, as appropriate, to support recruiting and retention efforts in designated military skills, career fields, units, or grades, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. To be eligible the member signs an agreement with the Secretary of the Military Department concerned to serve on active duty or in an active status for a specified period, in a designated military specialty or skill, career field, unit, or grade, successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid.

2. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program) Chapter 10 (Selected Reserve Incentive Program), Chapter 10-8 (Termination of Incentives) provides that incentive eligibility will be stopped when a Soldier voluntarily moves to a non-bonus unit or MOS or separates from a Selected Reserve unit or the Individual Ready Reserve of the USAR or ARNG for any reason. Separation includes enlistment or appointment in any component of the Armed Forces. Commanders will not recoup bonus incentives previously paid when a servicemember becomes an assigned member of the U.S. Army Reserve Control Group ROTC or Soldiers who become simultaneous members of an authorized officer commissioning program.

3. DoDI 1205.21 (Reserve Component Incentive Programs Procedures), 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.

4. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//