

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2025

DOCKET NUMBER: AR20240001132

APPLICANT REQUESTS:

- Removed failed Army Physical Fitness Test (APFT) score from Digital Training Management System (DTMS)
- Remove failure to meet Army Body Composition Program (ABCP) standards from DTMS
- Reinstate and pay her Non-Prior Service Enlistment Bonus (NPSEB)
- Reinstate 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)
- Self-authored statement regarding APFT failures
- Self-authored statement regarding height and weight standards failures
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 NPSEB Addendum Army National Guard of the United States (ARNGUS))
- NGB Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum ARNGUS)
- Headquarters [REDACTED] ARNG ([REDACTED] ARNG) Memorandum, Subject: Notification of Incentive Discrepancy and Exception to Policy (ETP) Process shows on 23 March 2023, the applicant was notified of a discrepancy regarding her NSPEB which required resolution to avoid eligibility termination:
  - Bonus control number: 5925579
  - NPSEB amount of \$20,000.00
  - Discrepancy of consecutive APFT failures
  - NPSEB owed to the applicant: \$3,333.00
  - NPSEB recoupment: \$0.00
  - ETP to be filed no later than 15 May 2023
  - Failure to submit ETP within 45-days would result in immediate termination and/or recoupment
- DTMS screenshot for Army Combat Fitness Test (ACFT) shows the applicant passed the ACFT on 11 April and 22 October 2023

- DTMS screenshot for APFT shows the applicant failed the APFT on 12 January and 15 March 2020 and passed the APFT on 12 May 2020
- DTMS screenshot for Height/Weight shows the applicant's ABCP data was recorded as:
  - 15 March 2020 with 35 percent body fat failed standard
  - 29 July 2020 with 34 percent body fat failed standard
  - 22 November 2020 with 28 percent body fat passed standard
  - 13 August 2021 with 27 percent body fat passed standard
  - 20 November 2022 with 27 percent body fat passed standard
  - 19 April 2023 with 29 percent body fat passed standard
  - 21 October 2023 with 25 percent body fat passed standard
- Excerpt from Army Regulation (AR) 600-9 (Army Body Composition Program) shows in paragraph:
  - 3-4 (Weigh-in and body fat assessment); weighed every 6-months at a minimum
  - 3-5 (Enrollment in the ABCP);
    - Soldiers who exceed body fat standards will be enrolled in ABCP
    - Enrollment starts on the day the Soldier is notified by the unit commander
  - 3-6 (Actions, Counseling and Evaluation for Regular Army and Reserve Component Soldiers on Active Duty);
    - Commander has 3 working day to flag the Soldier
    - Effective date is the date the Soldier was found noncompliant
    - Enrolled in ABCP immediately
    - Must participate in monthly ABCP assessments
    - Must meet body fat standards to be released from ABCP
    - Must acknowledge enrollment in the ABCP within 2 working days from notification
- Excerpt from AR 350-1 (Army Training and Leader Development) shows the applicant highlighted:
  - In the event of a record test failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready
  - Reserve component Soldiers not on active duty and without a medical profile will be tested no later than 180-days following the initial APFT failure

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:
  - Erroneous record APFT and height and weight screening caused the termination of her NPSEB and SLRP
  - Requests the erroneous entries be removed from her record in DTMS
  - Reinstate her NPSEB and SLRP
  - Second APFT administered less than 90-days after the first APFT failure
  - She was not given the opportunity to agree with the commander on her physical readiness
  - She was not given the opportunity to take any diagnostic APFT
  - Second height and weight was assessed without enrollment in the ABCP
  - She was not given the opportunity to take diagnostic height and weight assessment
  - She was not notified of the termination of her incentives for over 3-years
  - At the time of the APFT and height and weight assessment she was out of her initial active duty for training less than 6-months
  - At the time, she was not aware of the regulations regarding APFT and height and weight assessments
  - After working in the incentives office, she found her termination was erroneous
  - She was not given prior notice of the height and weight assessments
  - She was not properly counseled regarding APFT and height and weight noncompliance
  - Monthly assessment for height and weight were not properly conducted
3. A review of the applicant's service record shows:
  - On 21 February 2019, she enlisted in the ARNGUS
  - DD Form 1966 (Record of Military Processing – Armed Forces of the United States) shows she enlisted for a \$20,000.00 NPSEB and \$50,000.00 SLRP
  - NGB Annex states Soldiers have 6-months from the date of entry in the ARNG to meet body fat standards, Soldiers who fail will be entered into the ABCP
  - NGB Form 600-7-1-R-E states her NPSEB in the amount of \$20,000.00 may be terminated with recoupment if she had two consecutive record APFT or height and weight failures during the period of service obligation, effective on the date of the second failure

- NGB Form 600-7-5-R-E states:
  - Her SLRP may be suspended if suspension of favorable personnel action excluding APFT or failure to meet body fat standards
  - SLRP may be terminated without recoupment if she has two consecutive record APFT or height and weight failures in the service obligation period, effected the date of the second failure
- On 22 May 2019, she was ordered to initial active duty for training by Orders Number 9142002 dated 13 May 2019
- On 1 November 2019, she was awarded military occupational specialty 68W (Health Care Specialist) by Orders Number 291-298 dated 18 October 2019
- On 1 November 2019, she was honorably released from active duty and reverted to the control of the ARNG,
- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows:
  - On 28 March 2020, was ordered to active duty
  - On 30 May 2020, honorably release from active duty and reverted to the control of the ARNG
  - In support of Coronavirus Presidential proclamation
- On 30 July 2020, she was ordered to active duty in support of Operation Inherent Resolve by Orders Number 36-147-0025 dated 26 May 2020
- On 4 July 2021, she was honorably released from active duty and reverted to the control of the ARNG
- On 9 September 2022, she was ordered to active duty in support of Operation Enduring Freedom – Horn of Africa by Orders Number 36-221-0014 dated 9 August 2022
- On 30 July 2023, she was honorably released from active duty and reverted to the control of the ARNG
- On 5 October 2023, she was ordered to full time National Guard Duty other training duty (FTNGD-OTD) for bonus and incentives by Orders Number 36-3277-00072 dated 4 October 2023
- On 28 October 2023, she was ordered by the Secretary of the Army in support of Southern Vanguard by Orders Number 36-296-0029 dated 23 October 2023
- On 12 November 2023, she was ordered by the Secretary of the Army in support of Southern Vanguard by Orders Number 36-321-0001 dated 17 November 2023
- On 23 November 2023, she was ordered to FTNGD-OTD for incentive manager duties by Orders Number 36-3331-00036 dated 27 November 2023
- On 23 March 2024, she reenlisted in the ARNGUS for 3-years for a \$10,000.00 reenlistment bonus

- On 26 April 2024, she was ordered to FTNGD-OTD for incentive manger by Orders Number 36-4121-00046 dated 30 April 2024
- On 1 October 2024, she was ordered to FTNGD-OTD for education and incentive support by Orders Number 36-4270-00005 dated 26 September 2024
- On 1 December 2024, she was ordered to FTNGD-OTD for Combat Paramedic Course by Orders Number 36-4312-00009 dated 7 November 2024

4. On 20 February 2025, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's NSPEB and SLRP. The advisory official recommended disapproval of her request. In January 2020, the applicant failed a record APFT, which she was counseled and notified she was flagged for adverse action. In March 2020, she failed her second consecutive APFT for record. She claimed she was not given the opportunity to agree or disagree on her physical readiness to pass a record APFT with her commander nor was she given the opportunity to take any diagnostic APFT. In May 2020, she subsequently passed a record APFT, 6-months after her first APFT failure.

a. Additionally, in March 2020, she failed a height and weight assessment, exceeding the allowable body fat percentage. In July 2020, she subsequently failed her second consecutive height and weight assessment. The applicant states that following her first height and weight assessment failure she was not properly enrolled in the ABCP or counseled on the necessary monthly weight loss requirement or about her flag for adverse action. She also stated that between the two height and weight assessments, she was not given prior notice nor diagnostic assessment. In November 2020, she subsequently passed her height and weight assessment.

b. In accordance with AR 350-1, Soldiers who fail a record APFT or fail to take a record APFT within 12-months will be flagged. In the event of a record APFT failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready to test, not to exceed 90-days. Reserve component Soldiers not on active duty and without a medical profile will be tested no later than 180-days following the initial APFT failure.

c. In accordance with AR 600-9, approximately every 30-days or during unit assemblies for Reserve component not on active duty, commanders will conduct a monthly ABCP assessment to measure the Soldier's progress. A monthly loss of 3 to 8 pounds or 1 percent body fat are considered to be safely attainable goals that will enable Soldiers to lose excess body fat and meet the body fat standards. Soldiers that meet either of these goals are making satisfactory progress in the ABCP.

d. Neither of these regulations support the applicant's assertions. Soldiers may be tested again when the commander feels the Soldier is ready or within a 180-day window, not specifically at the 180-day mark. Also, the regulation does not state the commander needs to provide a diagnostic height and weight assessment, but the

commander should screen the Soldier every month. These height and weight and APFT assessments remain in the DTMS, the system of record for all such evaluations and there is no indication the tests or results were erroneous. Additionally, the applicant returned a response to the notification of discrepancy indicating she did not dispute the validity of the height and weight or APFT failures.

5. On 26 February 2025, the Army Review Boards Agency, Case Management Division, provided the applicant 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 relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and National Guard Bureau – Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for disapproval finding no significant evidence of erroneous or unfair APFT and HT/WT tests. The applicant's unfavorable action flags from her test failures are in DTMS as well as GIMS. The Board noted the applicant also acknowledged the validity of the termination of her incentives and signed a memorandum of understanding in 2023.

2. The Board determined there is insufficient evidence to support the applicant's contentions to remove her failed Army Physical Fitness Test (APFT) score from Digital Training Management System (DTMS) to include removal of failure to meet Army Body Composition Program (ABCP) standards from DTMS. Evidence shows the applicant did not meet the height and weight standards and failed two (2) record APFT, which she was counseled and notified she was flagged for adverse action. The Board found reinstatement and pay of her Non-Prior Service Enlistment Bonus (NPSEB) and reinstate her Student Loan Repayment Program (SLRP) incentive were without merit based on the advising opine recommendation and preponderance of evidence. As such, the Board denied relief.

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 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.

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. Title 10, U.S. Code, 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 (NGR) 600-7 (Selective Reserve Incentive Programs), prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs.

a. Paragraph 1-10 (Educational Requirements), the Enlistment Bonus (EB) and the Student Loan Repayment Program (SLRP) incentives may be granted to Soldiers who meet the educational eligibility criteria and who have the credentials of a secondary school graduate as defined in the glossary under educational levels.

b. Paragraph 1-20 (Incentive Payments) d, 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.

c. Paragraph 1-21 (Continued receipt of incentives), a Soldier may be eligible for continued receipt of incentive(s) when a period of suspension of favorable personnel actions, receipt of incentives is suspended. Exceptions are for APFT failures or failures to meet body fat standards as prescribed in paragraph 1-22b. When the suspension has been favorably lifted, continued receipt of incentives is authorized provided the Soldier remains otherwise qualified. The date of entitlement will not change.

d. Paragraph 1-22 (Suspension of incentives), b. A Soldier who has a suspension of favorable personnel action (flag) initiated per AR 600-8-2 (Suspension of Favorable Personnel Actions (Flags)) will not be processed for an initial or anniversary payment. Incentive payment(s) will be processed effective on the date the suspension is lifted, provided the Soldier is eligible. Payment date(s) of original entitlement date will not be updated to date of flag removal. This excludes flags for the APFT failure or failure to meet body fat standards.

e. Paragraph 1-24 (Termination of Incentives), A Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive.

f. Paragraph 2-1 (Non-Prior Service Enlistment Bonus (NPSEB)), this incentive is offered to applicants who have not previously served in the armed forces who enlist in the SELRES of an armed force for a period of not less than three years. Applicant must agree to serve in a critical military skill designated for such an incentive by the Secretary concerned and execute a written agreement to serve as an enlisted member in the SELRES. Applicant must meet the eligibility criteria for enlistment as a Non-prior service (NPS) applicant as prescribed by governing law, DODI, DA, ARNG regulations or as outlined in the current FY SRIP Policy.

g. Paragraph 2-24 (Eligibility) states the SLRP may be offered to current ARNG members who meet the following requirements:

- Soldiers who previously contracted for the SLRP in the Selected Reserve are only entitled to the maximum benefit established by the original contract, minus any money previously paid under the contract
- Enlist/affiliate or reenlist/extend for a minimum of three years
- Enlist into a Critical Skill vacancy as outlined in the current FY SRIP policy
- Have one or more disbursed qualifying loans

3. Army Regulation (AR) 350-1 (Army Training and Leader Development) in effect at the time, prescribes policies, procedures, and responsibilities for developing, managing, and conducting Army training and leader development. Appendix F-5 (Physical readiness training program) k. Soldiers must take a record APFT every 6 months for RA and AGR Soldiers, and annually for all other USAR and ARNG Soldiers. If a Soldier fails a record APFT, commanders may allow Soldiers to retake the test as soon as the Soldier and commander feel the Soldier is ready to test (not to exceed 90 days). A repetitive APFT failure occurs when a Soldier fails a record test, is provided adequate time and assistance to condition (not to exceed 90 days), and fails again. Soldiers without medical profiles that fail a retest or fail to take the APFT with no authorized waiver within the required time will be barred from re-enlistment or processed for separation from the service. (1) Commanders may administer the APFT as often as they wish; however, they must specify beforehand when the APFT is for record. RA and AGR Soldiers will take a record APFT twice each calendar year, all other USAR and ARNG Soldiers will take a record APFT annually. A minimum of 4 months will separate record tests for RA and AGR.

a. The 4month rule does not apply to Soldiers that must make-up a record test or re-testing for an APFT failure. A minimum of 8 months will separate record tests with no more than 14 months between record tests for other RC Soldiers (less IRR). The 8 month rule does not apply to Soldiers that require makeup testing or re-testing for an APFT failure. The intent is for all RA and AGR Soldiers to take a record APFT every 6 months. Mission requirements often prevent the even spacing of record tests. Therefore, commanders are encouraged to test Soldiers for record as close to the record test window as possible. Soldiers requiring make-up testing will be scheduled in accordance with the unit Standard Operating Procedures. Soldiers requiring re-testing for an APFT failure will be scheduled as prescribed in paragraph F-5m(6) of this regulation. (3) Soldiers who fail a record APFT or fail to take a record APFT within 12 months will be flagged in accordance with AR 600-8-2.

b. In the event of a record test failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready to test (not

to exceed 90 days). RA and AGR Soldiers without a medical profile will be retested no later than 90 days following the record APFT failure. Reserve component Soldiers not on active duty and without a medical profile will be tested no later than 180 days following the initial APFT failure. An intervening medical profile does not restart the 90-day training period; however, Soldiers must have at least two times the length of the medical excusal, not to exceed 90 days in preparation for a record APFT. (6) All Soldiers must attain a score of at least 60 points on each test event or receive a "GO" on the alternate aerobic event. If a Soldier does not attain a minimum of 60 points in each event or a "GO" on an alternate aerobic event, the Soldier is an event failure. When a Soldier fails one or more events, the Soldier is a test failure. Exceptions include: Soldiers in basic combat training must complete a 3-event APFT near the end of the course and must score a minimum of 50 points on each event to qualify for completion of BCT.

c. Commanders may administer the APFT as often as they wish; however, they must specify beforehand when the results are for record. RA and AGR Soldiers will take the APFT twice each calendar year. A minimum of 4 months will separate record tests. Soldiers that require make-up testing or re-testing for an APFT failure are exempt from the 4-month rule. The intent is for the RA and the AGR Soldiers to take a record APFT every 6 months. Mission requirements often prevent the even spacing of record tests. Therefore, commanders are encouraged to test Soldiers for record as close to the record test window as possible. Soldiers requiring make-up testing will be scheduled in accordance with the unit SOP. Soldiers requiring re-testing for an APFT failure will be scheduled as prescribed in paragraph G-9m(6) of this regulation. (3) RC TPUs and IMA Soldiers will take the APFT once each calendar year. A minimum of 8 months will separate record tests with no more than 14 months between record tests. The 8 month rule does not apply to Soldiers that require makeup testing or re-testing for an APFT failure. (5) Soldiers requiring makeup testing will be scheduled in accordance with the unit standard operating procedures. (6) Soldiers who fail a record APFT for the first time or fail to take a record APFT within the required period will be flagged in accordance with AR 600-8-2. In the event of a record test failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready. Soldiers without a medical profile will be retested no later than 90 days following the initial APFT failure. Reserve component Soldiers not on active duty and without a medical profile will be tested no later than 180 days following the initial APFT failure.

4. AR 600-9 (Army Body Composition Program) establishes policies and procedures for the implementation of the Army Body Composition Program (ABCP).

a. Paragraph 3-2. Standard a. Soldiers are required to meet the prescribed body fat standard, as indicated in appendix B. Soldiers will be screened every 6 months, at a minimum, to ensure compliance with this regulation. e. Soldiers identified as exceeding

the body fat standard will be flagged in accordance with AR 600–8–2 and enrolled in the ABCP. They must meet the body fat standard in this regulation in order to be released from the program.

b. Paragraph 3–3. Exemptions, (5) New recruits. These recruits, regardless of component, will have 180 days from entry to active service to meet the retention body fat standards established in this regulation. Failure to achieve retention body fat standards at 180 days will result in Soldiers being flagged in accordance with AR 600–8–2 and enrolled in the ABCP.

c. Paragraph 3–4. Weigh-in and body fat assessment a. Weigh-ins and body fat assessments will be conducted in accordance with appendix B. All Soldiers will be weighed every 6 months, at a minimum. b. In order to ensure the ABCP does not interfere with Soldier performance on the APFT, commanders and supervisors are encouraged to allow a minimum of 7 days between APFT and weigh-in, if feasible. Some Soldiers that are close to exceeding the screening weight may attempt to lose weight quickly in the days leading up to a weigh-in. This practice may result in the Soldier being unable to perform his or her best on the APFT, if the two events are scheduled close together.

d. Paragraph 3–5 (Enrollment in the Army Body Composition Program), a. Active Army and RC Soldiers who exceed body fat standards in appendix B will be enrolled in the unit ABCP. Enrollment in the ABCP starts on the day that the Soldier is notified by the unit commander (or designee) that he or she has been entered in the program (see para 3–6 for guidance on notification counseling). b. While enrolled, Soldiers will be provided exercise guidance by the unit master fitness trainer and/or unit fitness training NCO in accordance with FM 7–22; nutrition counseling by registered dietitian (or health care provider, if a dietitian is not available); and assistance in behavioral modification, as appropriate, to help them attain the requirements of the Army. c. Initial entry Soldiers who exceed body fat standards after 180 days from date of entry to active service will be entered in the ABCP and flagged under the provisions of AR 600–8–2 by the unit commander.

e. Paragraph 3–7 (Actions, counselling's, and evaluations for Reserve Component Soldiers not on active duty), the following is required when a Soldier is determined to exceed the body fat standard (see table 3–1): a. Notification counseling. In accordance with AR 600–8–2, the commander has until the final unit training assembly of that weekend's multiple unit training assembly (MUTA) to Flag the Soldier using DA Form 268. Soldiers will be counseled regarding the initiation of the DA Form 268 prior to the conclusion of the first training period following the date the flagging action was initiated in accordance with AR 600–8–2. The effective date of the flagging action is the date the Soldier is found to be noncompliant. During this notification counseling, Soldiers will be advised they: (1) Have a DA Form 268 placed on their record to suspend favorable

personnel actions. Some of the ramifications of the flagging action include: (a) Are non-promotable (to the extent such non-promotion is permitted by law). (c) In accordance with AR 350-1, are not authorized to attend military schools and institutional training courses. (2) Are enrolled in the ABCP effective immediately. While enrolled they: (a) Must read the USAPHC TG 358 within 14 days of enrollment. An appointment with a dietitian is optional at the Soldier's own expense. (b) Must complete and return their Soldier Action Plan to the commander prior to the conclusion of the first training period after being notified of enrollment in the ABCP. (c) Must participate in unit monthly ABCP assessments to document their progress. (d) Must meet the body fat standard in order to be released from the ABCP. (e) Must demonstrate satisfactory progress, as defined in paragraph 3-9b, while enrolled in the ABCP and understand that failure to do so will result in bar to reenlistment, initiation of separation proceedings, or a transfer into the IRR.

f. Paragraph 3-9 (Monitoring Soldier progress in the Army Body Composition Program), a. Approximately every 30-days (or during unit assemblies for RC not on active duty), commanders will conduct a monthly ABCP assessment to measure Soldier progress, with results annotated on DA Form 5500 or DA Form 5501. During monthly assessments, every Soldier enrolled in the ABCP will be weighed and have a body fat assessment conducted in order to document weight and fat loss progress. b. A monthly loss of either 3 to 8 pounds or 1 percent body fat are both considered to be safely attainable goals that enable Soldiers to lose excess body fat and meet the body fat standards. Soldiers that meet either of these goals are considered to be making satisfactory progress in the ABCP. c. When necessary, commanders and supervisors will provide additional support, guidance, and resources to enhance Soldier's success. This may include time to participate in ongoing nutritional counseling or weight loss programs as prescribed by the dietitian or health care provider. Helpful tips for commanders and supervisors are located in appendix C.

//NOTHING FOLLOWS//