

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2025

DOCKET NUMBER: AR20240001445

APPLICANT REQUESTS: remission of Non-Prior Service Enlistment Bonus (NPSEB) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Notification of Incentive Discrepancy and Exception to Policy Process, 12 April 2021 – reflective of the applicant being advised of a discrepancy in her bonus entitlement requiring recoupment:
 - discharged for enlistment into the Regular Army
 - \$3,611.11 recoupment amount
- Defense Finance and Accounting Service (DFAS) Debt and Claims letter, 14 August 2023 – reflective of the applicant being advised of her \$3,639.77 debt
- Tracking information – reflective of documentation being delivered to Colorado Springs, CO on 27 May 2021

FACTS:

1. The applicant states that she:

- enlisted in the Army National Guard (ARNG) on 20 December 2018 with entitlement to a NPSEB (\$20,000.00 disbursed in 3 increments):
 - 50 percent upon completion of Initial Active-Duty Training (IADT) and award of the 68W (Combat Medic Specialist) Military Occupational Specialty (MOS)
 - 25 percent upon reaching 2 varying enlistment anniversary periods
- was voluntarily discharged from the ARNG on 16 December 2020 in order to enlist in the Regular Army
- recoupment of \$3,620.29 was initiated in 2021 based on her enlistment in the Regular Army

- was notified on 14 August 2023 that she owed \$3,639.70; no justification was provided
- advised that the recoupment action should not have been initiated because she enlisted in the Regular Army

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

- On 20 December 2018 – she enlisted in the ARNG for 8 years with duty as a 68W and entitlement to a \$20,000.00 NPSEB to be disbursed in 3 installments:
 - 50 percent after becoming MOS qualified within 24 months of enlistment
 - 25 percent upon reaching the 3rd year anniversary of the enlistment date
 - 25 percent upon reaching the 5th year anniversary of the enlistment date
 - Section VI (Termination) - termination with recoupment would occur if she separated from the ARNG for enlistment in the Regular Army and receive an incentive for enlisting and/or if the contractual enlistment period is less than the remaining ARNG drilling obligation
- On 19 July 2019 (Orders Number 200-241) – she was awarded the 68W MOS, effective 26 July 2019
- On 17 December 2020 – she enlisted in the Regular Army for 3 years
- On 21 December 2020 (Orders Number 895278) – she was voluntarily separated from the ARNG, effective 16 December 2020, in order to enlist in the Regular Army
- On 16 December 2024 – she was honorably discharged from the Regular Army and transferred into the U.S. Army Reserve Control Group (Reinforcement)

3. On 25 November 2024, the National Guard Bureau, Chief, Special Actions, provided an advisory opinion recommending denial of the applicant's request noting that the NPSEB Addendum, Army National Guard, Annex E to DD Form 4, Section VI Termination, section VI, subsection 1. I. provides that if a Soldier separates from the ARNG for enlistment to any Active Component and the contractual enlistment period is less than their remaining ARNG obligation, the effective date of termination is the date of discharge, without recoupment. A review of the applicant's claim was conducted by the INARNG and concluded that she was in violation of her NPSEB contract and therefore it was terminated, effective 27 December 2023, resulting in recoupment of \$3,611.11.

4. On 3 December 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

5. In response to the advisory opinion, the applicant contests that her NPSEB was terminated because she enlisted into the active component and her new contractual

enlistment period was less than her remaining ARNG obligation. Her initial contract for active duty was for 3-years. She then extended for an additional year with a new expiration term of service date of 16 December 2024. Her original contract obligation with the ARNG plus her time in the Regular Army would therefore meet her contractual service obligation thereby precluding recoupment.

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 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. Upon review of the applicant's petition and available military records, the evidence shows the applicant enlisted in the ARNG on 20 December 2018 for an 8-year term with entitlement to a \$20,000.00 NPSEB. On 16 December 2020, she was discharged from the ARNG for enlistment in the Regular Army. She enlisted in the Regular Army on 17 December 2020 and served until her discharge on 16 December 2024. The Board reviewed and noted the advisory opinion, which concluded the applicant was in violation of her contractual service obligation. However, the Board majority granted relief based on the applicant's extension of service for an additional year.

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 remitting the Non-Prior Service Enlistment Bonus debt in the amount of \$3,611.11.

X//signed//

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. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) governs incentive policies, procedures, and eligibility criteria for persons entering into an incentive agreement at the time of enlistment, affiliation, reenlistment, extension, commission or appointment into the ARNG, on or after the effective date of this regulation.

a. Chapter 2 (Enlisted Incentives) provides that the Non-Prior Service Enlistment Bonus 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. To be eligible, service member must contract for an 8-year term of service of which not less than three years must be served in a drilling status in the ARNG with the remaining portion of the MSO in the IRR or ING and approved for incentive entitlement by the DARNG as outlined in the current FY SRIP policy.

b. Section IV (Continued Receipt, Suspension, Reinstatement, and Termination of Enlisted Incentives (NPSEB, PSEB, EAB, REB and SLRP) provides that incentive eligibility will be terminated when any of the termination reasons listed in paragraph 1-24 through 1-26 apply and 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.

c. Paragraph 1-25 (Termination with Recoupment of Incentives) provides that termination with recoupment will occur if the service member separates from the ARNG for enlistment in the Regular Army. The recoupment amount is based on the following formula: basic incentive received multiplied by the basic obligated months not completed divided by total obligated months in a contract (for example, 72 months is total obligated months in a six-year contract). Calculated overpayments to the Soldier will be recouped. When relief is not granted through the waiver process from incentives received, the member must refund a pro-rata amount to the Government when termination is due.

2. Title 37 U.S. Code Section 373 (Repayment of Unearned Portion of Bonus, Incentive Pay, or Similar Benefit, and Termination of Remaining Payments, when Conditions of Payment not met) provides a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement.

3. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.

//NOTHING FOLLOWS//