

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240001921

APPLICANT REQUESTS: payment of a \$20,000.00 U.S. Army Reserve (USAR) Enlisted Affiliation Bonus (EAB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States), 28 May 2009
- DA Form 3540 (Certificate and Acknowledgment of USAR Service Requirements and Methods of Fulfillment), 28 May 2009
- Written Agreement - EAB Addendum, 28 May 2009
- Headquarters, 81st Readiness Division Inspector General (IG) Noncommissioned Officer (NCO) letter, 20 December 2023

FACTS:

1. The applicant states:

a. He reenlisted into the USAR in May 2009. He was entitled to an affiliation bonus as a result of completing his Military Occupational Specialty Qualification (MOSQ) in the appropriate timeframe. He requested it through the appropriate channels and was told that it had been submitted. He never received the bonus. He inquired about it and was told that the way that the bonus addendum was written made it invalid because of the dates that the document was signed. He took that at face value and left it alone.

b. He found out in 2017 that he was indeed eligible for this bonus and requested it again through his company admin personnel. He still never received it. He filed an IG complaint recently to see if he was eligible for this bonus and they assured him that he was. Therefore, he is submitting his paperwork through this channel as directed.

c. As previously stated, he was entitled to this bonus, it just appears that the personnel that were supposed to submit this for payment, never did. He completed his obligations and followed up as required, however, he never received payment.

2. A review of the applicant's military service records show:

a. Having prior service in the Army National Guard (ARNG), the applicant's NGB Form 22 (Report of Separation and Record of Service) shows he was released from the New Jersey ARNG and was transferred to the USAR Control Group (Reinforcement) on 2 May 2009. Item 13 (Primary Specialty Number, Title and Date Awarded) shows he was held MOS 11B (Infantryman), effective 22 August 2003.

b. On 28 May 2009, he reenlisted in the USAR (Troop Program Unit) for 5 years. In connection with his reenlistment, the applicant completed and signed a Written Agreement - Enlisted Affiliation Bonus (EAB) Addendum, which states, in pertinent part:

(1) He was being assigned to a unit vacancy in the Selected Reserve, which was authorized the grade and MOS 31B (Military Police), which "I currently hold." Service grade and MOS substitution rules apply.

(2) He was eligible for an Affiliation Bonus by affiliating from Active Duty, Individual Ready Reserve status, or as a Prior Service applicant into USAR Selected Reserve Unit for "6 years" in the amount of \$20,000.00. He would be paid an affiliation bonus in installments in accordance with the Selected Reserve Incentive Program List. The initial bonus payment would be initiated by the gaining unit commander per published procedures on execution of this form and assignment to the Selected Reserve unit.

c. On 25 November 2009, Headquarters, 87th USAR Support Command (East), published Orders Number 09-329-00002, which awarded the applicant Primary MOS 31B20, effective 6 November 2009.

d. On 30 June 2015, he reenlisted in the USAR for an indefinite period.

3. In support of his case the applicant provides:

a. DA Form 3540 dated 28 May 2009, which explains his military obligation, the methods of fulfilling that obligation, and participation requirements.

b. Headquarters, 81st Readiness Division IG NCO letter, dated 20 December 2023, wherein, the IG NCO stated, the IG Office conducted a thorough inquiry into the applicant's complaint, and determined that his 2010 EAB falls under the Barring Act. Under Title 31, U.S. Code (USC), section 3702(b), the Barring Act, jurisdiction to consider claims is limited to those that are filed within six years after they accrue. However, under Title 31, USC, section 3702(e), upon request of the Secretary concerned, the Secretary of Defense may waive the time limits established by the Barring Act for claims involving a uniformed service member's pay, allowances or

survivor benefit to allow payment of the claim up to \$25,000.00. As a result, claims beyond six years will be processed through the Army Board for Correction of Military Records.

4. On 16 September 2024, Headquarters, USAR Command (USARC), Director Resource Management, USARC G-1, provided an advisory opinion for this case and stated:

a. The applicant affiliated with the USAR on 28 May 2009 for a five-year term, with a \$20,000.00 EAB for MOS 31B. The USAR Pay Center did not pay the applicant's EAB because he was not Duty Military Occupational Specialty Qualified (DMOSQ) and needed to be awarded the MOS before contracting with the USAR. He completed Military Police School on 5 November 2009. According to the Fiscal Year 2009 Selected Reserve Incentive Program (SRIP) policy, only DMOSQ Soldiers were eligible for the incentive. At the time of affiliation, the applicant was not eligible for the EAB, the accessing agency failed to verify his eligibility as a result he was erroneously offered the incentive.

b. Based on the information provided in this case, the USARC G-1 recommends no relief.

5. On 27 September 2024, the applicant was provided with a copy of the USARC G-1 advisory opinion to allow 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant affiliated with the USAR on 28 May 2009 for a 5-year term, with a \$20,000 Enlisted Affiliation Bonus (EAB) for MOS 31B, Military Police. However, the applicant was not Duty Military Occupational Specialty Qualified (DMOSQ) and needed to be awarded the MOS before contracting with the USAR. He completed Military Police School on 5 November 2009. According to the Fiscal Year 2009 Selected Reserve Incentive Program (SRIP) policy, only DMOSQ Soldiers were eligible for the incentive. The Board agreed with the advisory official's determination that at the time of affiliation, the applicant was not eligible for the EAB, the accessing agency failed to verify his eligibility as a result he was erroneously offered the incentive. Therefore, the applicant is not eligible for the requested relief.

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.

10/31/2024

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. Army Regulation (AR) 135-7 (Army National Guard and Army Reserve - Incentive Programs) prescribes policies and procedures for the administration of the ARNG and the USAR incentive programs. Paragraph 5-3b (Eligibility) states, in addition to meeting the eligibility requirements of paragraph 5-3a above, bonus applicants must also accept assignment, affiliation, or enlistment, as applicable, to a unit of the Selected Reserve. Possess the required MOS or one within allowable substitution rules (AR 611-201).
2. AR 601-210 (Regular Army and Reserve Components Enlistment Program), currently in effect, prescribes eligibility criteria governing the enlistment of persons, with or without prior service, into the Regular Army, the USAR, and the Army National

Guard. In pertinent part, paragraph 10–15 (SRIP – EAB) provides policy and guidance for the administration of the SRIP EAB. It states a service member is eligible for an EAB if he or she is a member of a U.S. Armed Force with no more than 20 years of time in service, who has executed a written agreement to serve in a Selected Reserve unit for a period of not less than 3 years, in a skill, unit, or pay grade designated on written agreement, after being discharged or released from active duty under honorable conditions, and who possesses the military grade and skill qualification commensurate with the vacancy and the skill is designated as critical in the annual Reserve Component SRIP list. Soldiers enlisted as "will train" have 24 months to acquire the critical MOS.

3. Department of Defense Instruction 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 to the member.

4. Title 31 United States Code (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, USC, 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.

//NOTHING FOLLOWS//