

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2025

DOCKET NUMBER: AR20240002953

APPLICANT REQUESTS:

- debt remission
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Defense Finance and Accounting Service (DFAS) letter, 9 August 2023 – reflective of the applicant's State representative being advised that her debt (\$7,9312.23) plus additional interest (\$7,947.41) remained valid
 - she enlisted on 26 April 2008 for 8 years
 - debt related to a \$20,000.00 Enlistment Bonus terminated, effective 10 June 2016
 - she completed 24 months of her service obligation
- Leave and Earnings Statement 30 August 2019 - reflective of the applicant's pay and entitlements for the month of August 2019; debt balance of \$10,289.03; \$559.53 debt payment made during this period
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 25 April 2014- reflective of the applicant's service in the Army National Guard (ARNG) from 26 April 2008 – 25 April 2014
- Orders Number 118-039, 28 April 2014 – reflective of the applicant being discharged from the ARNG and transferred into the U.S. Army Reserve (USAR) Control Group (Annual Training), effective 25 April 2014
- DD Form 214 (Certificate of Release or Discharge from Active Duty) – reflective of the applicant's service on active duty from 25 August 2009 – 20 October 2009
- Orders Number 21-134-00015, 14 May 2021 – reflective of the applicant being honorably discharged from the USAR, effective 14 May 2021
- Self-authored letter reflective of the applicant's contention with the wage garnishment noting that she completed her service obligation; she denies previous recoupmnt; civilian pay is now being garnished

- DA Form 4187 (Personnel Action) – submitted request to be discharged due to reaching her expiration term service; void of dates and signature(s)

FACTS:

1. The applicant states in part that she:

- was notified of the debt by DFAS
- civilian pay is currently being garnished in error
- debt deductions from USAR pay was previously conducted
- contests that she completed her contractual obligation

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

- On 26 April 2008 – she enlisted in the ARNG for 8 years with entitlement to a \$20,000.00 Non-Prior Service Enlistment Bonus (NPSEB) Critical Skill Bonus as a 21C (Bridge Crewmember) to be paid in 2 increments:
 - 50 percent upon completion of Initial Active-Duty Training (IADT) and award of the 21C Military Occupational Specialty (MOS)
 - 50 percent on the 36-month anniversary date
- On 5 November 2009 (Orders Number 309-031) – awarded the 92Y (Unit Supply Specialist) MOS, effective 5 November 2009
- On 7 February 2012 – the NGB approved an Exception to Policy permitting the applicant to retain her \$20,000.00 NPSEB; her MOS was changed prior to training but the documents were not updated accordingly
- On 28 April 2014 (Orders Number 118-039) – she was discharged from the ARNG and transferred into the USAR Control Group (Annual Training), effective 25 April 2014 due to reaching her expiration term of service
- On 2 August 2014 – she enlisted in the USAR for 5 years
- On 14 May 2021 (Orders Number 21-134-00015) – shows the applicant was discharged from the USAR, effective 14 May 2021

3. On 14 February 2025, the NGB, Chief Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that based on her claims and her records, she had an ETP that permitted her to change her MOS from 21C to 92Y which invalidates any recoupment.

a. The applicant signed to receive a NPSEB in the Critical Skill MOS of 21C for \$20,000.00 on 26 April 2008. She completed IADT as a 92Y due to being unable to complete training as a 21C on 20 October 2009. She was assigned a 92Y MOS, violating her NPS contract on 5 November 2009. She was paid the first half of her

NPSEB for \$10,000.00, erroneously on 6 November 2009. She was transferred to a 92A MOS, Assign/loss reason: Individual's Request, also violating her NPS contract on 2 September 2010. She was transferred back to a 92Y MOS on 31 March 2011. The ARNG Incentives Branch approved an exception to allow her to retain the NPSEB on 7 February 2012. She was paid the second half of her NPSEB for \$10,000.00 on 28 February 2012.

b. The Guard Incentive Management System (GIMS) shows an erroneous request to terminate the incentive submitted on 1 August 2012 for her NPSEB with an effective termination date of 5 November 2009, "18 Months completed, recoup amount of \$15,000.00", "Reason: Unauthorized Change in MOS." This termination date is reflective of the applicant's MOS change to 92Y, which was approved and should not have been submitted. This action occurred in iMARC and data was transferred over to GIMS so the data accuracy cannot be verified. This data does not match the information submitted in the DFAS memo.

4. On 24 February 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. She did not respond.

BOARD DISCUSSION:

1. 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. The Board concurred with the conclusion of the NGB advisory official that the applicant had an approved ETP that permitted her to change her MOS, which invalidates any recoupment. Therefore, the Board granted full relief for the terms of her contract.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 remission of the Non-Prior Service Enlistment Bonus debt, in the amount of amount of \$15,000.00.

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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. NGB Form 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. Soldiers affected by unit transition and required to change MOS/AOC remain eligible for an incentive may receive subsequent payments before qualifying in the new specialty. The Soldier is required to become qualified in the new MOS/AOC within 24 months, plus periods of mobilization.

c. Paragraph 1-27 (ARNG Exceptions to Policy (ETP) Request provides that all ETPs will be initiated by the Soldier and routed through their chain of command to the State Incentive Manager and the State G-1 as established in Chapter 5-3 (State Level). The State Level will evaluate all ETP's received on a case-by-case basis and route them to the appropriate level for final determination. Once a final determination has been made at the established level, the case will be considered to have met the exhaustion of administrative remedies requirements of AR 15-185. The Soldier may then file an application to the ABCMR in accordance with AR 15-185 if there is an alleged error or injustice still existing. The ARNG is the only level authorized to approve any ETP or grant relief from recoupment.

d. Current and former Service Members of the ARNG may apply for a correction of error or injustice involving the correction or amendment of dates or terms of service in enlistment, accession, affiliation, reenlistment/extension, commission or appointment incentive agreements. Public law requires that a request for correction of military records is submitted within 3 years after the error or injustice occurs, or within 3 years after discovering the error or injustice.

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 (AR) 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.

4. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//