

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240003129

APPLICANT REQUESTS:

- reinstatement of his Student Loan Repayment Program (SLRP) agreement
- eligibility for kicker option for continuing education funding assistance
- allotment of non-prior service enlistment bonus of \$20,000.00

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

- Online Application, 8 March 2024
- Orders 195-0396, 13 July 2020
- 0000645905.00, 10 September 2020
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Bonus Addendum), 29 October 2019

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 he completed basic combat training in February 2020, and he satisfied all obstacles encompassing logical, technical, and physical skills during training. As he transitioned to advanced individual training, he had to adjust from using primarily paper and pencil to using computer and common access cards (CAC) daily within the 92Y (Supply Specialist) course.

a. Within the first week of class, he and another Soldier were unable to login to a computer on the first day of class. The course teacher sent a request for help from the information technology department to trouble shoot the issue; there was a delay due to overwhelming requests. He and the other Soldier were sent to reset their CACs the following day to resolve the issue. After the CAC was reset, it still didn't allow him entry into the system, he was then sent the next day to obtain a new CAC. By the third day of class, he and the other Soldier were still unable to enter the program despite their long

wait at the office where several others were there as well getting their new CACs. Once he received his new CAC card, the issue still persisted and at this point an urgent trouble ticket for a laptop diagnostic was sent. It wasn't until Friday, the fifth day of the course, the day before the first exam, that he was able to access the virtual PowerPoints and Supply Specialist application software on his personal screens.

b. Due to him missing the core essentials/introductory lessons, he was offered to choose a different military occupational specialty (MOS) to complete advanced individual training. He chose 92G (Culinary Specialist) that was also taught in the same vicinity. He was informed by sergeants at Fort Lee, Virginia, that his incentives would carry over and has a document that serves as proof. Upon returning home after successful completion of Culinary Specialty Training, he received notice that he was losing his initial agreed upon benefits but that he was to appeal. Sergeant First Class S_____, from the Education and Incentives office attests that she too believes he qualifies for this incentive reinstatement.

c. He requests to have his SLRP agreement reinstated, eligibility for the kicker option for continuing education funding assistance, along with his bonus allotment of \$20,000.00, that should have been disbursed over his six years of service. He has experienced tremendous hardship and has been forced to work up to 80 hours weekly due to the financial struggle that occurred during. His company features only seven Culinary Specialty enlisted soldiers and there is a greater need for him to continue his contracted services instead of opting for a different job of choice. He works well within his company and has received recognition in the form of a Commander's Coin as supporting proof.

d. Further he believes it is equally incentivized for Soldiers to enlist as a Culinary Specialist per the National Guard Recruitment portal; affirming it is a job in demand across the State of Idaho. He believes he should be permitted to accept the SLRP, monetary allowance, and additional funding to resume his studies, as stated by the Director of Veterans Services from his University. According to the ABCMR guidelines he qualifies for recoupment of his initial benefit agreement letter and would be glad to appear before the Board to further decipher the terms if necessary.

3. The applicant's record contains:

a. A DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) which shows he enlisted in the Idaho Army National Guard (IDARNG), for an 8-year period, on 29 October 2019.

b. An NGB Form 600-7-1-R-E, dated 29 October 2019, which shows the eligibility criteria to receive an SLRP as follows:

(1) Section II, Eligibility - the applicant understood he may be eligible for the Montgomery GI Bill – Selected Reserve Kicker and/or the SLRP simultaneously with the incentive if in accordance with the guidance outlined in the applicant Army National Guard Selected Reserve Incentives Program Policy.

(2) Section III, Entitlements & Payments – he understood he may receive a total bonus amount for a non-prior service enlistment bonus of 6 years, and shall receive a bonus in the amount of up to \$20,000.00 less taxes in MOS of 92Y1000YY, and bonus installment would be paid the first 50% payment of \$10,000 would be processed upon award of contracted MOS

(3) Section VI, Termination – he understood he may be terminated from the incentive eligibility with recoupment if he voluntarily changed his MOS during the contractual obligation.

c. Orders 192-0119, dated 10 July 2020, revoked Orders 133-0306 dated 12 May 2020 pertaining to the MOS Orders for the applicant.

d. Orders 195-0396, dated 13 July 2020, awarded the applicant the MOS of 92G, additional instructions read the applicant enlisted for United States Army cash bonus award enlistment option.

e. He was honorably released from active-duty training on 9 September 2020, in the MOS of 92G (Culinary Specialist). His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he served a total of 6 months and 22 days of net active service this period.

f. Orders 0000645905.00, dated 10 September 2020, show the applicant completed his formal training and his MOS changed from duty position title Supply Specialist to 92G (Culinary Specialist).

4. On 5 November 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion in this case. It was the recommendation of the office that the applicant's request be approved. The applicant satisfactorily served in a critical MOS that was receiving the same bonus in accordance with Selected Reserve Incentive Program (SRIP) Fiscal Year 20, he was directed to the 92G MOS and receiving the incentives is supported by the IDARNG. Additionally, the office stated, in effect:

a. The applicant enlisted in the IDARNG for six years as a 92Y on 29 October 2019 with a \$20,000 non-prior service bonus addendum and SLRP addendum for up to \$50,000. He was unable to complete Advanced Individual Training and qualify for the 92Y MOS due to technical errors of no fault of his own resulting in academic failure. His incentives were terminated upon qualification as a 92G as he did not qualify for his

contracted MOS. He submitted exception to policies through the NGB that were denied in 2020 in accordance with National Guard Regulation (NGR) 600-7. The applicant is requesting reconsideration to receive incentives.

b. After review of the applicant's records and coordination with the IDARNG, the applicant was unable to complete 92Y MOS qualification. He completed 92G and was awarded the MOS on 9 September 2020. He served his contract successfully in the IDARNG. 92G was a low-density critical MOS, also receiving a bonus at the time, and he became qualified within 24 months of the start of his contract. NGR 600-7 was rescinded justifying the applicant to receive the incentives he contracted for and was terminated through no fault of his own. Additionally, the Order to the 92G MOS, Orders 195-0396, dated 13 July 2020, states it was directed.

5. The applicant was provided a copy of the NGB advisory opinion. In his response he stated, in effect, he reviewed the filed with the update on the affirmative suggestions from the NGB and IDARNG Joint Force Headquarters for reinstatement of his service member contractual agreements inclusive of the \$20,000.00 bonus and \$50,000.00 SLRP. He wanted to resume his appeal and continue to be a proud member of the Army as he has grown to discover over the years. It is honoring and of high praise to have his application raised in positive regard to his satisfactory duty with his unit serving as an 92G.

6. NGR 600-7, currently in effect, states the SLRP may be offered to Prior Service enlistees, and current ARNG members. Soldiers who previously contracted for SLRP in the Selected Reserve are only entitled to the maximum benefit established by the original contract, minus any amount previously paid under the contract. Soldiers who have previously contracted for SLRP and have completed the contract term in the Selected Reserve are not authorized another SLRP.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting amending the applicant's record to show the applicant is entitled to both \$20,000 enlistment bonus and \$50,000 student loan repayment (SLRP) because his failure to meet academic standards for his contracted MOS were due to technical issues at the training site, outside the control of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX :XXX :XXX 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 Army records of the individual concerned be corrected by amending the applicant's record to reflect he be paid the remainder of his \$20,000 enlistment bonus, as well as he retaining the eligibility to retain his \$50,000 student loan repayment (SLRP) benefit.

//SIGNED//
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. Army Regulation (AR) 601-210 (Regular Army and Reserve Components Enlistment Program) prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA), the U.S. Army Reserve (USAR), and the Army National Guard (ARNG).

a. Paragraph 6-5 (Procedures applicable to RA, USAR, and ARNG), subparagraph k, the guidance counselor will review the enlistment annex which is an important part of the enlistment process to prevent the possibility of an erroneous enlistment, broken enlistment commitments, and misunderstanding on entitlements, assignments, and other matters relating to the enlistment agreement. The counselor ensures that statements for enlistment entered on the enlistment annexes are accurate reflect the enlistment commitment.

b. Paragraph 9-9 (Enlistment Program 9C, U.S. Army Incentive Enlistment Program (Enlistment Bonus, Army College Fund, Loan Repayment Program), this program is available to qualified Non-Prior Service (NPS), Prior Service (PS), and Army Civilian Acquired Skills Program (ACASP) applicants enlisting for the minimum term of enlistment, when authorized by Headquarters, Department of the Army (HQDA) enlistment incentives message. Soldiers paid the enlistment bonus must (unless otherwise directed by HQDA) serve in the designated MOS for the period of enlistment (including changes in MOS due to normal skill progression).

3. Department of Defense Instruction (DoDI) 1304.31 (Enlistment Bonus Program), establishes policy, assigns responsibilities, and prescribes procedures for a bonus payment.

a. Paragraph 4.1a, authorized by Section 331(a)(1) of Title 37, U.S.C., provides a monetary incentive that may be offered to encourage an individual with no prior military service to enlist in a Military Service.

b. Paragraph 4.1b, the Secretary of the Military Department concerned may pay an entitlement bonus in exchange for an individual's agreement to serve for a specified period in a designated skill.

4. National Guard Bureau 600-7 (Selected Reserve Incentive Program), 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 Army National Guard, on or after the effective date of this regulation.

a. This regulation updates certain provisions in effect from earlier fiscal year incentive programs. Soldiers who entered into agreements in an earlier incentive program will continue to participate according to their contractual agreement, and this regulation when applicable. This regulation does not change the conditions of entitlement, eligibility criteria, or benefits of earlier incentive programs. Total incentive amounts and anniversary payment schedules specified in the original incentive agreement executed at the time of enlistment, accession, reenlistment, extension, affiliation, commission, or appointment will remain unchanged. An incentive agreement cannot exceed the limits of the law or authorized limits of the Secretary of the Army (SA). Retroactive entitlement or reinstatement based on the revised or amended policy contained in this regulation is not authorized.

b. Paragraph 2-24b, lists the Student Loan Repayment Program (SLRP) eligibility requirements that may be offered to Prior Service enlistees, and current Army National Guard members. These requirements include:

(1) Soldiers who previously contracted for SLRP in the Selected Reserve are only entitled to the maximum benefit established by the original contract, minus and amount previously paid under the contract.

(2) Soldiers who have previously contracted for SLRP and have completed the contract term in the Selected Reserve are not authorized another SLRP.

//NOTHING FOLLOWS//