

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2025

DOCKET NUMBER: AR20240003424

APPLICANT REQUESTS: payment of Reenlistment/Extension Bonus (REB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836, (Oath of Extension of Enlistment or Reenlistment), 19 September 2013
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum Army National Guard (ARNG) of the U.S.), 19 September 2013
- DA Form 4187 (Personnel Action), 11 April 2014
- Integrated Personnel and Pay System – Army (IPPS-A) information

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 in pertinent part that his REB was cancelled due to his election to participate in the Active Guard/Reserve (AGR) program despite being previously approved by the OHARNG. He contests that due to a change of policy, his eligibility status was supposed to be reinstated. However, his packet was delayed due to several administrative errors in 2022, 2023 and 2024. Currently, the Guard Incentive Management System (GIMS) is reflecting that his bonus has been cancelled but he denies ever being informed of this action. He was advised to seek resolution through this Board process.

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

a. On 19 March 2008, the applicant enlisted in the ARNG for 8 years with duty as a 68W (Healthcare Specialist) and entitlement to an enlistment bonus, the Montgomery G.I. Bill (MGIB), and the MGIB Kicker.

b. On 6 May 2010, the U.S. Army Installation Management Command issued Orders Number 126-233 announcing the applicant's award of the 68W Military Occupational Specialty (MOS), effective 14 May 2010.

c. On 19 September 2013, the applicant elected to extend his current enlistment in the ARNG by 6 years with entitlement to a \$10,000.00 REB to be disbursed in two installments: 50 percent a day after reaching his current Expiration Term of Service (ETS) date and 50 percent on the fourth-year anniversary. NGB Form 600-7-3-R-E, Section V (Continued Receipt) provides that the applicant would continue to receive payment of his REB if he performed Active-Duty Operational Support (ADOS) and/or Full Time National Guard Duty for Operational Support (FTNGDOS) and continued to meet the eligibility requirements. Section VI (Termination) provides that the applicant's REB eligibility with recoupment would occur if he failed 2 consecutive Army Physical Fitness Test (APFT) or two consecutive failures to meet body fat standards within this contract term. The termination date would be the date of the second APFT or second failure to meet body fat standards. Termination without recoupment may occur if the applicant accepts an AGR position that exceeds 180 days within a continuous 12 month period where membership in a Reserve component is a condition of the employment and have served more than 1 day of this extension contract.

d. On 4 September 2019, the applicant elected to extend his current enlistment in the ARNG by 2 years.

e. On 13 September 2019, the OHARNG issued Orders Number 256-1029 ordering the applicant to FTNGD in an AGR status for 3 years, effective 16 September 2019; ending on 15 September 2022.

f. On 31 January 2022, the applicant elected to extend his current enlistment in the ARNG by 6 years.

g. On 23 June 2022, the OHARNG issued Orders Number 37-174-0256 ordering the applicant to active duty in support of Operation Enduring Freedom (Spartan Shield) for a period of 400 days, effective 7 August 2022.

h. On 18 August 2023, the applicant was honorably released from active duty.

i. On 19 May 2023, the OHARNG issued Orders Number 139-20004 ordering the applicant to active duty in an AGR status for 5 years, 1 month, and 19 days, effective 31 July 2023; ending on 18 September 2028.

4. The applicant provides the following a:

a. DA Form 4187 dated 11 April 2014, reflective of the DA Form 4836 dated

19 September 2013, being amended to reflect a change from "Rule A" to "Rule B."

b. IPPS-A information, reflective of various personnel data pertaining to the applicant to include APFT and height/weight information.

5. On 26 November 2024, the NGB, Chief, Special Actions Branch provided an advisory opinion recommending partial approval of the applicant's request noting that after review of his submitted documents and coordination with the OHARNG, it was determined that he did not receive his second payment of \$5,000.00 because of an erroneous APFT failure. The APFT failure was rectified, and the payment was processed but was returned for violation as the applicant was serving as a Military Technician (Mil Tech). It was determined that he was a temporary Mil Tech and still eligible to receive the second payment of the bonus. During this time the GIMS server was unavailable (26 October 2018 to 4 March 2019 and 22 July 2021 to 12 January 2022) which restricted payments to be processed. The applicant was ordered to active duty in an AGR status on 16 September 2019 which would terminate his eligibility for his bonus in accordance with Section VI, paragraph 4.d of his bonus addendum. The termination date would be the AGR start date. Therefore, it is their recommendation that the applicant's request be partially approved. He met the requirements per his bonus addendum and the Selected Reserve Incentive Program Fiscal Year 2014 from 19 March 2014 to 16 September 2019 and was eligible for \$9,027.78 of his bonus; only \$5,000.00 was paid. The applicant should receive the remaining \$4,027.78 for the remaining eligible time.

6. On 27 November 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

7. On 2 December 2024, the applicant responded in concurrence with the advisory opinion recommendation and offered no contentions.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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. After reviewing the available evidence, including the advisory opinion from the National Guard Bureau and the applicant's concurrence, the Board recommends partial relief. The applicant entered into a valid reenlistment contract that included a bonus incentive, contingent upon continued eligibility and fulfillment of service obligations. The NGB advisory confirms that the applicant remains eligible to receive the remaining portion of the reenlistment bonus for the unexpired term of his contract. The applicant concurs with the NGB's recommendation and agrees to accept the remaining

bonus amount, estimated \$4,027.78, in accordance with the terms of his reenlistment agreement.

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 partial 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 the applicant was authorized a portion of his REB from 19 March 2014 to 16 September 2019 in the amount of \$4,027.78
- authorizing payment for the aforementioned period and amount as a result of this correction

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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. Title 10, USC, 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. Department of Defense Instruction 1304.31 (Enlisted Bonus Program) provides that the Secretaries of the Military Departments may pay a bonus under the Enlisted Bonus Program (in accordance with Title 37, USC, section 331) to persons or members, as appropriate, to support recruiting and retention efforts in designated military skills, career fields, units, or grades, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. To be eligible the member signs an agreement with the Secretary of the Military Department concerned to serve on active duty or in an active status for a specified period, in a designated military specialty or skill, career field, unit, or grade, successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid.
3. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program) Chapter 10 (Selected Reserve Incentive Program), Chapter 10-8 (Termination of Incentives) provides that incentive eligibility will be terminated when a service member accepts an AGR position, a permanent military technician position, or a temporary military technician position of more than 179 days, where membership in the Selected Reserve is a condition of employment. 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 his or her current statutory or contractual service commitment. Commanders will not recoup funds previously paid when a service member accepts an AGR position, a permanent military technician position, or temporary military technician position of more than 179 days, where membership in the Selected Reserve is a condition of employment. These Soldiers will have their enlistment, reenlistment, and/or affiliation bonus terminated without recoupment as long as they serve one or more days in the losing Selected Reserve.
4. National Guard Regulation 600-7 (Selected Reserve Incentives Programs (SRIP)) provides Army National Guard policies, procedures, and implementation of Selected Reserve Incentive Programs. This regulation sets responsibilities, lists benefits, describes eligibility criteria and entitlement, sets suspension, termination, and recoupment requirements, and prescribes processing and payment procedures. Chapter 3 (SRIP – REB) provides that termination without recoupment will occur when a service member accepts an AGR position on Title 10 or Title 32 effective to the date of

entry on AGR status. Soldier must have served at least 6 months of the incentive contract following the date of bonus payment eligibility. If the Soldier has served at least six months of the incentive contract following the date of bonus payment eligibility, termination will be without recoupment. Termination with recoupment will occur when a service member accepts an AGR position on Title 10 or Title 32 effective to the date of entry on AGR status. Soldier has served less than six months of the incentive contract following the date of bonus payment eligibility; termination will be with recoupment. Paragraph 3-11 (Settlement of Accounts) provides that to calculate reenlistment or extension bonus recoupment or balance due as follows: Multiply the number of months served satisfactorily during the term for which the incentive was authorized by the proportionate monthly dollar amount (The proportionate monthly dollar amount will be determined by dividing the total authorized reenlistment or extension bonus amount by 36 months for a 3-year bonus or 72 months for a 6-year bonus.). Subtract that amount from the total bonus paid to the soldier to date (initial plus any later payments). If the calculation indicates overpayment to the soldier, that amount will be recouped.

//NOTHING FOLLOWS//