

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240003664

APPLICANT REQUESTS: reversal of the U.S. Army Reserve's denial of his Exception to Policy (ETP) for payment of an Officer Affiliation Bonus (OAFB) (\$10,000.00).

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

- DD Form 149 (Application for Correction of Military Record)
- Personnel Action Packet Checklist, 28 July 2023
- DA Form 61 (Application for Appointment)
- Memorandum – Subject: Command Endorsement, 24 August 2023
- Memorandum – Subject: Soldier Justification for ETP for Affiliation Bonus Request, 19 July 2023
- DA Form 5261-7 (Selected Reserve Incentive Program – Officer Affiliation Bonus), 9 August 2018
- Officer/Warrant Officer Affiliation Bonus Addendum, 9 August 2018
- Officer Continuation Sheet (U.S. Army Reserve (USAR))
- Memorandum – Subject: Appointment as a Reserve Commissioned Officer of the Army Under Title 10, USC 12201 and 12203, 5 January 2019
- Orders Number 5361986, 14 July 2023
- Certificate of Training, 9 September 2022
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 9 September 2015
- DD Form 214, 4 January 2019
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 18 February 2015
- Email communication
- Memorandum – Subject: ETP, 9 February 2024

FACTS:

1. The applicant states in pertinent part that upon being released from active-duty, he contracted to receive an OAFB of \$10,000.00 as associated with his service in the USAR as a 40A (Space Operations). After completing his initial training, he was advised that he was never eligible for the OAFB.

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

- a. On or about 10 September 2014, the applicant applied for appointment as a commissioned officer.
- b. On 6 April 2015, the applicant enlisted in the Regular Army for 3 years and 25 weeks as a Commissioned Officer Candidate (09S).
- c. On 26 August 2015, Headquarters, U.S. Army Maneuver Center of Excellence issued Orders Number 15238-313 ordering the applicant to active duty with a 3-year service commitment, effective 10 September 2015.
- d. On 9 September 2015, the applicant completed Initial Entry Training, the Officer Candidate Course and was subsequently appointed a commission as a Field Artillery Officer (13A).
- e. On 4 January 2019, the applicant was honorably released from active duty and transferred into a USAR unit. Item 6 (Reserve Obligation Termination Date) shows 5 April 2023.
- f. On 14 July 2023, the Department of the Army issued Orders Number 5361986 announcing the applicant's reclassification into the 40A Area of Concentration (AOC), effective 7 March 2023.

3. The applicant provides the following a:

- a. Personnel Action Packet Checklist dated 28 July 2023, reflective of the applicant's submitted request for an ETP for entitlement to the USAR OAFB.
- b. Memorandum – Subject: Command Endorsement, dated 24 August 2023, reflective of the applicant's commander's recommendation for approval of his request for an ETP. The applicant's security clearance took approximately 662 days to be adjudicated; 635 days later he was eligible to attend the U.S. Army Space Operations Officer Qualification Course (USASOOQC). Due to COVID-19 restrictions, the applicant was unable to attend and complete the course 9 September 2022. The applicant did not delay or postpone attending the course.
- c. Memorandum – Subject: Soldier Justification for ETP for Affiliation Bonus Request, dated 19 July 2023, reflective of the applicant's statement regarding the circumstances surrounding his delayed course attendance. The applicant notes that he was unable to complete the course until September 2022 due to COVID-19 restrictions and multiple course cancellations.

d. DA Form 5261-7 dated 9 August 2018, reflective of the applicant's agreement to serve as a 40A within the USAR. The applicant agreed to complete the required 40A training within 36 months of the affiliation date in order to be entitled to the \$10,000.00 OAB.

e. Officer/Warrant Officer Affiliation Bonus Addendum, 9 August 2018, reflective of confirmation by the applicant that he agreed to serve in the Selected Reserve for 3 years and complete 40A training within 24 months of his affiliation date.

f. Officer Continuation Sheet (USAR) reflective of the applicant's acceptance of the conditions associated with his entitlement to the \$10,000.00 OAB.

g. Certificate of Training dated 9 September 2022, reflective of the applicant's completion of the USASOOQC.

h. Email communication, reflective of advisement that the applicant's OAFB was never submitted due to him not meeting the school completion qualification requirements within the allotted timeframe. Therefore, the applicant was advised to request an ETP.

i. Memorandum – Subject: ETP, dated 9 February 2024, reflective of the denial of the applicant's request for an ETP noting that the USAR Pay Center did not pay the applicant's OAFB because he failed to complete AOC reclassification training within the required timeframe. Army policy requires officers affiliating to complete AOC reclassification training when required within 24 months of their affiliation date. The applicant's command confirmed that the delay in reclassification training completion was through no fault of the applicant. Additional research revealed that at the time of affiliation, the applicant was still serving under his initial 8-year Military Statutory Obligation (MSO) incurred at the time of enlistment. His initial eight-year MSO expired on 5 April 2023, as indicated on his DD Form 214 and separation order. Department of Defense Instruction (DoDI) 1304.34 (General Bonus Authority for Officers) requires Officers to complete all MSOs to be eligible for the OAFB. In this case, the U.S. Army Human Resources Command – Reserve Component Transitions office failed to verify the applicant's eligibility for the OAFB. The United States Army Reserve Command G-1 does not have the authority to grant an exception to policy in cases where DoDI is concerned.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant was denied payment of his Officer Affiliation Bonus (OAFB) because he did not meet school completion qualification requirements/AOC reclassification training within the required timeframe. He submitted an exception to policy to the USAR but that was also denied. Army policy requires officers affiliating to complete AOC reclassification training when required within 24 months of their affiliation date. However, the Board also noted that the delay in reclassification training completion was through no fault of the applicant. There were delays due to COVID-19 restrictions, multiple course cancellations, and delay in his security clearance. Additionally, the U.S. Army Human Resources Command – Reserve Component Transitions office failed to verify the applicant's eligibility for the OAFB. Therefore, the Board determined this is an injustice as he should not be penalized for administrative errors committed by others. Therefore, the Board determined relief is warranted.

REFERENCES:

1. Department of Defense 7000.14-R (Financial Management Regulation) provides that in accordance with 37 U.S.C. Section 332(a)(2) and DoDI 1304.34, the Secretary concerned may pay an affiliation bonus to an eligible officer in the Military Department who enters into an agreement with the Secretary to serve, for the specified period in the agreement, in the Selected Reserve (SELRES) of the Ready Reserve (RR). The Officer must agree to serve in a critical skill designated by the Secretary of the Army (SECARMY). The Secretary will designate the officer skills to which the bonus authority is to be applied. A skill may be designated if it is critical to increase the number of members accessed who are qualified in that skill or are to be trained in that skill, or to mitigate a current or projected significant shortage of personnel who are qualified in that skill. An agreement entered into with the Secretary concerned will require the person entering into that agreement to serve in the SELRES for a specified period. The period specified in the agreement will be any period not less than 3 years that the Secretary determines appropriate to meet the needs of the Reserve Component (RC) in which the service is to be performed. The maximum affiliation bonus may not exceed \$10,000.00 for a minimum 3-year service obligation.

2. The Army National Guard (ARNG) Selected Reserve Incentive Program (SRIP) Policy for Fiscal Year (FY) 2019 provides that the OAFB is authorized in accordance with Title 37 U.S.C, Chapter 5, Subchapter II and DODIs 1304.34 and 1205.21 to pay a bonus to affiliate from an Active Component to an Officer position to serve in the SELRES of the Ready Reserve in a skill designated for a period specified in an agreement.

a. Eligibility – the Officer must affiliate in grade O-2 through O-4. Officer may affiliate duty military occupational specialty (DMOS) qualified or non-duty MOS qualified for a 6-year term. The Officer must have fewer than 15 years of qualifying military service towards a regular or non-regular retirement, in accordance with DoDI 1215.07. The Officer must not have been a two-time non-select for promotion and received an Honorable discharge from all prior periods of service. An Officer is not eligible for a bonus if the individual was previously discharged or released from active duty or military service in an active status based on a determination of misconduct, substandard duty performance, or moral or professional dereliction. Officer must continue to meet all physical requirements for the contracted AOC from the contract signature date up to Release from Active Duty.

b. Method of Payment - 6-Year DMOSQ/Non-DMOSQ (2 Installments): (Initial) 50 percent processed upon becoming DMOSQ. Must become DMOSQ within 24 months from contract start date. (2nd) 50 percent processed upon the 4th anniversary calculated from the Date of Entitlement.

3. DODI 1304.34 (General Bonus Authority for Officers) states an officer who has a service obligation is not eligible for a bonus pursuant to this issuance, except when the officer serves his or her initial service obligation incurred at the time of commissioning or appointment.

//NOTHING FOLLOWS//