

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240003672

APPLICANT REQUESTS: payment of the remainder of his Reenlistment Bonus (REB).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record).

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 the National Guard Bureau (NGB) recently conducted a review of his service records in the Guard Incentive Management System (GIMS) and it was determined he may not have received his entire REB with control number 12040014NY prior to his separation from of the Army National Guard (ARNG). He only received half of his REB.
3. A review of the applicant's service records shows:
  - a. On 22 February 2007, the applicant enlisted in the ARNG and Orders Number 7053005, issued by the Military Entrance Processing Station, the applicant was ordered to initial active duty for training, effective 1 October 2007 for the completion of Basic Combat Training and Advanced Individual Training.
  - b. On 20 March 2008, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 5-months and 20-days of active service and was awarded Military Occupational Specialty (MOS) 31B (Military Police).
  - c. On 21 April 2012, the applicant extended his enlistment with the ARNG for 6-years. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows the applicant's Expiration Term of Service (ETS) was 21 February 2013 and his new ETS was 21 February 2019. In conjunction with this extension NBG Form 600-7-3-R-E

(Annex R to DD Form 4 or DA Form 4836 Reenlistment/ Extension Bonus Addendum) with bonus control number R12040014NY was completed and shows in:

(1) Section III (Bonus Amount and Payments), he extended for 6-years Duty MOS qualified in MOS 31B to receive a total bonus payment of \$10,000.00. The bonus would be paid in three installment. The first 50 percent would be processed for payment the day after his current ETS. The second 25 percent would be processed on the third year anniversary and the final 25 percent payment would be processed on the fifth year anniversary.

(2) Section IV (Suspension), he would be suspended from the incentive eligibility and no incentive would be paid during the time of the suspension for being flagged with a suspension of favorable personnel actions for adverse action, excluding Army Physical Fitness (APFT) or failure to meet body fat standards. Reinstatement of the incentive eligibility was not guaranteed. If regained, entitlement to subsequent payments shall resume on the adjusted anniversary date of satisfactory, credible Selected Reserve service. Failure to meet reinstatement criteria in a capacity for which previously contracted shall result in termination of the incentive with recoupment.

(3) Section V (Termination) may be terminated from incentive eligibility with recoupment for two consecutive record APFT failures and/or two consecutive failures to meet body fat standards within this contract term. Termination would be effective on the date of the second APFT failure or second failure to meet body fat standards.

(4) Section VI (Recoupment), recoupment would be calculated by multiplying the number of full months served satisfactorily during the term of which the incentive was authorized by the proportionate monthly dollar amount. The proportionate monthly dollar amount was determined by dividing the total authorized incentive amount by the total amount of months in the original contractual obligation. The amount of the incentive entitled to be kept would be subtracted from the total incentive paid to date. If the calculation indicated he earned more than he received, he shall receive a final payment.

d. On 4 March 2013, the flag for suspension of favorable personnel action for failure to meet body fat standards was removed.

e. DA Form 2166-9-1 (Noncommissioned Officer (NCO) Evaluation Report (Sergeant (SGT)) for the rating period of 20 August 2016 through 19 August 2017 shows in part IV (Performance Evaluation, Professionalism, Attributes and Competencies; a (APFT) the applicant failed the APFT on 25 February 2017 and he failed body fat standards. It was commented that he failed to meet the standard in both the sit-up and run events during the APFT and failed the Army Bodyfat Composition Program (ABCP). He was enrolled in the company remedial Physical Readiness

Training and ABCP and made satisfactory progress in all. It stated in part IV d (Presence), he failed the last record APFT and he failed the height and weight standards and exceed to body composition standard by 5 percent and he was enrolled in the ABCP.

f. DA Form 2166-9-1 for rating period 20 August 2017 through 19 August 2018, shows in part IV a, the applicant failed the APFT on 11 February 2018 and did not meet the bodyfat standard. It was commented he showed up for the company annual APFT but failed to participate in the record APFT which resulted in a failure of the APFT. He had not taken another APFT so progress or lack of progress could not be assessed. The applicant did not meet the height and weight standards and was over his authorized bodyfat composition by 6 percent. The applicant did not make progress to meet the ABCP standards. It stated in part IVd, he consistently failed to meet ABCP standards which sets a negative precedence for junior Soldiers.

g. The applicant's service record is void of the initiation of any suspension of favorable personnel actions.

h. On 21 February 2019, the applicant was honorably discharged from the ARNG. NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 12-years of service.

i. On 20 March 2019, Orders Number 079-1025, issued by the Office of the Adjutant General Joint Force Headquarters, the applicant was honorably discharged from the ARNG, effective 21 February 2019 for ETS.

4. On 10 December 2024, in the processing of this case the NGB provided an advisory opinion regarding the payment of the remainder of the applicant's REB. The advisory official recommended a partial relief of his request. On 21 April 2012, the applicant reenlisted in the ARNG for 6-years for a \$10,000.00 REB for the period of 22 February 2013 through 21 February 2019. The REB was established in GIMS and the applicant was paid the first installment in the amount of \$5,000.00 on 23 February 2013. He did not receive any additional payments. Upon reviewing his service record, it was determined he failed the APFT on 25 February 2017 and his second APFT failure was on 11 February 2018. The incentive was terminated effective 11 February 2018. The applicant was entitled to receive a prorated amount for 60 eligible months in the amount of \$8,332.80. He received \$5,000.00 of his REB making him eligible for an additional payment of \$3,332.80.

5. On 12 December 2024, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. The applicant did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts outlined in the NGB advisory opinion and the lack of any rebuttal of those facts submitted by the applicant, the Board concluded the applicant was entitled to receive a prorated amount for 60 eligible months in the amount of \$8,332.80. He received \$5,000.00 of his REB making him eligible for an additional payment of \$3,332.80.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 records of the individual concerned be corrected by prorating the applicant's REB amount for 60 eligible months in the amount of \$8,332.80. Based upon him previously receiving \$5,000.00 of his REB, he should be paid an additional payment of \$3,332.80.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to payment of the full REB amount.

X **//SIGNED//**  
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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, 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. National Guard Regulation (NGR) 600-7 (Selective Reserve Incentive Programs) in effect at the time, prescribes policies and procedures for the administration of the ARNGUS incentive programs.

a. Paragraph 1-13 (Obligation), an enlisted Soldier must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.

b. Paragraph 1-20 (Termination), a. A Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. b. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. c. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive. d. Repeat APFT failure or failure to meet the body fat standard within a one-year period will result in the suspension of an incentive. Two consecutive APFT or body fat standard failures will result in the termination of an incentive.

c. Paragraph 3-5 (Entitlement), entitlement to a bonus for an immediate reenlistment begins on the date of the oath of enlistment; the extension bonus on the first day of the extended period of service. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

3. Title 37 USC, section 331 (General bonus authority for enlisted members), (a) The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who:

- enlists in an armed force
- enlists in or affiliates with a reserve component of an armed force
- reenlists, voluntarily extends an enlistment, or otherwise agrees to serve for a specified period in a designated career field, skill, or unit of an armed force

- under other conditions of service in an armed force

(g) (Repayment), a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

//NOTHING FOLLOWS//