

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 November 2024

DOCKET NUMBER: AR20240003809

APPLICANT REQUESTS: entitlement to initial payment of his Non-Prior Service Enlistment Bonus (NPSEB) in the amount of \$10,000.00.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.)
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard Service Requirements and Methods of Fulfillment), 23 April 2018
- Orders Number 19314-211, 10 November 2018

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 he should be entitled to the first installment of his NPSEB (\$10,000.00) because he was in good standing during that period. The applicant contests that an error in the Guard Incentive Management System (GIMS) prevented payment at that time. The applicant is aware that subsequent payments of the NPSEB are not authorized due to his consecutive failure of the Army Physical Fitness Test (APFT).

3. A review of the applicant's service record shows:

a. On 23 April 2018, the applicant enlisted in the Army National Guard (ARNG) for 8 years with duty as an 11B (Infantryman) with entitlement to a NPSEB (\$20,000.00) and the Montgomery G.I. Bill. National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Bonus Addendum Army National Guard of the U.S.) provides that the bonus will be paid in 3 increments: 50 percent upon award of the contracted Military Occupational Specialty (MOS) and validation in GIMS, 25 percent processed upon the 3rd year anniversary of the enlistment date, and 25 percent

processed upon the 5th year anniversary of the enlistment date. Section VI (Termination) provides that entitlement to this incentive may be terminated if the service member fails 2 consecutive record APFT's during the period of the service obligation. The effective date of the termination will be the date of the second APFT failure.

b. On 10 November 2018, Headquarters, U.S. Army Maneuver Center of Excellence issued Orders Number 19314-211 announcing award of the 11B MOS, effective 7 December 2018.

c. On 1 August 2020, the applicant failed a record APFT.

d. On 22 April 2024, the applicant was honorably released from the ARNG and transferred into the U.S. Army Reserve Control Group (Annual Training).

4. The applicant provides:

a. DD Form 1966, reflective of the applicant's administrative information utilized during his initial enlistment in the ARNG.

b. Guard Annex dated 23 April 2018, reflective of the military obligation and methods of fulfillment associated with the applicant's initial enlistment in the ARNG.

5. On 31 October 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 records, it was determined that he enlisted with a \$20,000.00 NPSEB for a 6-year contract. He became MOS qualified on 7 December 2018 and was eligible for the first payment of \$10,000.00. The applicant failed his first APFT on 13 April 2019 and was flagged. He then failed his second consecutive APFT on 16 November 2019. In accordance with the Selected Reserve Incentive Program Fiscal Year 2018, the date of effective termination of the bonus would be on the date of the applicant's second consecutive APFT failure. The applicant was eligible for his NPSEB bonus from 23 April 2018 - 16 November 2019. He received no payments but was eligible to receive \$5,000.00 for the 18 months of his contract before his eligibility was terminated. Therefore, he should receive \$5,000.00 of his NPSEB (less taxes).

6. On 31 October 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. He did not respond.

**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. The Board reviewed the advisory opinion provided by the National Guard Bureau and determined that the applicant was eligible to receive \$5,000 for the 18 months of his contract before his eligibility was terminated. Based on the advising official's recommendation, the Board granted partial relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	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 and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted the appropriate request/form for payment of his Non-Prior Service Enlistment Bonus
- showing the appropriate office timely received his request and authorized payment as a result of this correction

2. The Board further determined that 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 any additional incentive payment in excess of the above.

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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 (DoDI) 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, United States Code (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. U.S. Army Reserve (USAR) Fiscal Year (FY) 2019 Selected Reserve Incentive Program (SRIP) – USAR FY2019 SRIP Policy Guidance from 14 October 2018 - 30 September 2019 provides policy to assist the USAR in meeting leadership's end strength, readiness, and balancing the force objectives. It provides recruiting and retention incentives to assist in filling critical shortages. Section 2 (NPSEB) provides that Soldiers contracting for the NPSEB are eligible for payment in installments. NPSEB receiving installments will receive percent of the bonus amount upon completion of Initial Military Training (IMT) and award of MOS. NPSEB Soldiers receive 50 percent of the bonus amount upon completion of basic training and award of MOS. Remainder will be paid incrementally at 25 percent on the 2nd and 4th year anniversary date of the initial contract. Paragraph 6 (Termination with Recoupment) provides that failure of two consecutive record APFT or Height/Weight within the contractual term may result in recoupment of incentives. The effective date of termination is the date of the second record APFT or Height/Weight failure.
  
4. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), requires each recipient of an incentive to sign a written agreement stating the member has been advised of, and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.

5. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//