

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240004348

APPLICANT REQUESTS: payment of the remaining balance of his Reenlistment/Extension Bonus (REB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) – reflective of the applicant's service on active duty from 27 February 2013 – 15 February 2014
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 30 October 2013 – reflective of the applicant's election to extend his current enlistment by 6 years; 8 July 2020 Expiration Term Service (ETS) date
- 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.), 30 October 2013 – reflective of the applicant's entitlement to a \$10,000.00 REB to be paid in 2 increments: 50 percent the day after current ETS, 50 percent 4th year anniversary
- Memorandum – Subject: Understanding of Incentive Contract Payment Authorization for Fiscal Year (FY) 2014, 30 October 2013 – reflective of the contingency associated with paying the REB; pending Congressional approval
- Orders Number 007-0090, 7 January 2014 – reflective of the applicant being released from active duty on 15 February 2014
- Guard Annex (Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment), 15 July 2008 – reflective of the service obligation and incentives associated with the applicant's initial enlistment in the ARNG
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 9 July 2008 – reflective of the applicant's 8-year enlistment in the ARNG

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 in part that he was informed that he may be entitled to additional payment of a previously contracted REB.
3. A review of the applicant's service records reflect the following:
 - On 9 July 2008 – he enlisted in the ARNG for 8 years with duty as an 11B (Infantryman); entitlement to a \$20,000.00 Non-Prior Service Enlistment Bonus to be paid in a lump sum upon completion of all required training
 - On 7 January 2009 (Orders Number 7-3180) – he was awarded the 11B military occupational specialty
 - On 30 October 2013 – he elected to reenlist for 6 years with entitlement to a \$10,000.00 REB to be paid in 2 installments; NGB Form 600-7-3-R-E, Section VI (Termination) provides that the bonus will be terminated with recoupment if the applicant becomes an unsatisfactory participant; termination effective the date of the first unexcused absence
4. The applicant's records are void of transfer or discharge orders.
5. On 15 April 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that he signed a REB on 30 October 2013 (6 years). He was eligible for a bonus totaling \$10,000.00, with the first half of payment to be processed for payment the day after his then ETS, 9 July 2014, and the second payment to be processed on the fourth-year anniversary, 9 July 2018. He received the first installment of his bonus. Per NGB Form 600-7-3-R-E, Section VI, the bonus may be terminated with recoupment if the Servicemember becomes an unsatisfactory participant. The termination date will be the date of the first unexcused absence. His first unexcused absence during this contract period was on 12 March 2016.
6. On 15 April 2025, the applicant was provided with a copy of the advisory opinion and afforded 10 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 relief was not 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 evidence of record shows the applicant reenlisted/extended in the Army National Guard on 30 October 2013. In connection with his reenlistment/extension, he contracted for a bonus incentive in military occupational specialty 11B (Infantryman). The applicant was deemed an unsatisfactory participant, and his REB was terminated. However, the Board reviewed and concurred with the National Guard Bureau's advising official finding

the applicant was deemed an unsatisfactory participant as his contract suggests. Based on a preponderance of the evidence, the Board denied relief.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X //signed//

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. U.S. Army Reserve Fiscal Year 13 Selective Reserve Incentive Program provides policy to assist the USAR in meeting leaderships end strength, readiness and balancing the force objectives. It provides recruiting and retention incentives to assist in filling critical shortages. Paragraph 22 (Termination with Recoupment) provides that if entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the Servicemembers written agreement/addendum, the Servicemember shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. A Soldier who becomes an unsatisfactory participant the termination date is the date of the first unexcused absence.

3. Army Regulation (AR) 601-210 (Active 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 Army Reserve (AR), and the Army National Guard (ARNG). Chapter 10 (Selected Reserve Incentive Program) provides that SELRES incentives are offered to designated units and selected skills only when a valid position vacancy exists. Paragraph 10-3 (Policies and Procedures) provides that Incentive eligibility will be stopped when a Servicemember becomes an unsatisfactory participant. The termination date entered into the personnel data reporting systems must be the date the Soldier is declared an unsatisfactory participant.

4. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//