

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 March 2025

DOCKET NUMBER: AR20240005039

APPLICANT REQUESTS: receive unpaid installment of his Reenlistment Bonus (REB) from his 2013 contract.

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) for the period ending 26 July 2013
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty), 23 October 2013
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 29 October 2013
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum), 29 October 2013

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 he did not receive the second half of his bonus from 2013. He was hired for Active Guard/Reserve (AGR) duty and was told that he would not receive the second half of the bonus due to him being hired. He believes a Servicemember should be entitled to what was laid out in the contract. If the Board sees otherwise, he would like to know why to understand the process.
3. A review of the applicant's service record shows the following:
 - a. On 18 August 2005, the applicant enlisted in the Alabama Army National Guard (ALARNG) of the United States and continued service through reenlistments and extensions.

b. DD Form 214 shows he entered active duty this period on 9 June 2007 and was honorably released from active duty on 26 June 2008, for completion of required active service. It also shows in block 11 (Primary Specialty) 11B10 (Infantryman) – 2 Years and 6 Months.

c. DD Form 214 shows he entered active duty this period on 20 June 2012 and was honorably released from active duty on 26 July 2013, for completion of required active service. It also shows in block 11; 11B28 – 7 Years and 7 Months//11C20 (Indirect Fire Infantryman) – 4 Years and 7 Months.

d. DA Form 4836 dated 29 October 2013; shows he extended his service in the ALARNG for 6-years for a new Expiration Term of Service (ETS) date of 19 August 2020.

e. NGB Form 600-7-3-R-E dated 29 October 2013 shows he extended his enlistment in the ALARNG for 6-years in the duty Military Occupational Specialty (MOS) of 11B and a new ETS of 19 August 2020:

- on the same day the applicant signed his NGB Form 600-7-3-R-E which shows he agreed to serve 6-years for a \$10,000.00 REB with the bonus control number of R13100019AL
- His REB would be processed effective the day after his current ETS in two installments; the first 50 percent to be processed on the day after his current ETS date with the second 50 percent to be processed on the fourth year anniversary
- he understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date
- Section VI (Termination), paragraph 4d of the agreement states he may be terminated from REB eligibility without recoupment if he accepts an AGR, Permanent/Indefinite position that exceeds 180 days within a continuous 12-month period; the termination date is his AGR position start date with loss of all future payments

f. DD Form 214 shows he entered active duty this period on 4 April 2014 and was honorably released from active duty on 31 October 2015, for completion of required active service.

g. DD Form 214 shows he entered active duty this period on 16 December 2015 and was honorably released from active duty on 14 June 2017, for completion of required active service.

h. DA Form 4836 dated 18 May 2020; shows he extended his service in the ALARNG for 3-years for a new ETS date of 19 August 2023.

4. The applicant provides DD Form 215 adding the military freefall and parachutist badge to his DD Form 214 ending on 26 July 2013.

5. On 4 March 2025, in the processing of this case the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion regarding the applicant's request to receive his unpaid REB from his 2013 contract.

a. After review of the applicant's record, he became a Title 10 AGR Soldier, effective 16 December 2015. In accordance with the applicant's bonus addendum section VI paragraph 4d, acceptance of an AGR position terminates the bonus effective the start of AGR orders. The applicant completed 16 months of the bonus contract and is entitled to \$2,222.22 of the incentive. The applicant received the first payment of \$5,000.00. ALARNG should terminate the bonus effective 16 December 2015 and recoup \$2,777.78.

b. It is the recommendation of this office that the applicant's request be denied. The applicant became an AGR status Soldier and incentive should be terminated effective 16 December 2015 in accordance with section VI paragraph 4d, creating a recoupment of \$2,777.78.

c. The Alabama Army National Guard concurs with this advisory opinion.

5. On 4 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. 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 Board reviewed and concurred with the National Guard Bureau's advising official finding the applicant accepted an AGR position in December 2015 rendering termination of the bonus effective the start of his AGR orders. However, the applicant completed 16 months of the bonus contract and is entitled to a portion of the incentive. The applicant received the first installment of \$5,000, therefore only a portion of the incentive payment should be recouped, effective 16 December 2015.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//

X

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. 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.

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//