

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240005066

APPLICANT REQUESTS: reinstatement and payment of his Reenlistment Bonus (REB) 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)

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 pertinent part, he received a letter notifying him that he may be entitled to unpaid bonus incentive monies from his REB bearing Bonus Control Number [REDACTED].
3. A review of the applicant's service record shows the following:
 - On 3 October 2007, he enlisted in the Louisiana Army National Guard (LAARNG)
 - DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 29 January 2013 shows he extended his enlistment with the LAARNG for a period of 6 years. In conjunction NGB Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus (REB) Addendum Army National Guard (ARNG) of the United States (ARNG)), Bonus Control Number [REDACTED], was signed entitling him to a \$10,000.00 REB for 6 years of extended service to be processed effective the day after his current expiration term of service (ETS) as a lump-sum payment
 - NGB Form 22 (National Guard Report of Separation and Record of Service), dated 7 February 2016 shows an honorable retirement from the LAARNG with placement on the permanent disability retired list with service from 3 October 2007 to 7 February 2016 for a net service period of 8 years, 4 months, and 5 days

4. On 30 June 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending disapproval of the applicant's request stating, in pertinent part:

a. The applicant was notified by the ARNG Incentives Branch that his REB may not have been paid in its entirety. He then submitted an ABCMR request with supporting documents as directed.

b. He signed REB Addendum on 29 January 2013 for 6 years. He was eligible for a bonus totaling \$10,000.00, with a lump-sum payment to be made the day after his ETS, which would have been 4 October 2013.

c. Per the ARNG Selected Reserve Incentive Programs (SRIP) Policy for FY13 (Policy Number 13-01), the applicant required an Exception to Policy (ETP) for this bonus. The ETP was denied by NGB because he did not meet eligibility requirements in accordance with regulatory guidance, which violated ARNG SRIP 13-01. To extend/reenlist with an incentive, the applicant needed a passing APFT score within 18 months of his ETS prior to extending/reenlisting. He did have a passing APFT score in April 2012, which is within 18 months of his ETS. However, based on his records, the applicant failed APFTs in October and December 2012. He also failed a third APFT in May 2013. This would have terminated his bonus eligibility regardless of ETP approval.

d. It is the recommendation of this office that the applicant's request be disapproved. The applicant's record in GIMS shows that he failed several consecutive APFT which would have terminated his bonus eligibility and his request for an ETP was denied.

e. The ARNG Incentives Branch did not provide input for this recommendation.

f. The LAARNG concurs with this recommendation.

g. In conjunction with the advisory opinion, the memoranda requesting ETP and responding to the request were submitted as supporting evidence.

5. On 7 July 2025, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond. 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 29 January 2013. The Board reviewed and concurred with the National Guard Bureau's advising official finding the applicant based on his records, failed APFTs in October and December 2012. He also failed a third APFT in May 2013. 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
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.

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. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

3. Title 37, USC, section 308 (Special Pay: reenlistment bonus) states the Secretary concerned may pay a bonus under paragraph (2) to a member of a uniformed service who is qualified in a military skill designated as critical by the Secretary of Defense, and reenlists or voluntarily extends the member's enlistment for a period of at least three years in a regular component or the Reserve component of the service concerned. Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.

4. National Guard Bureau SRIP Policy Number 13-01 provides that the REB is processed in in two installments, 50 percent processed for payment the day after his current ETS, and the final 50 percent upon completion of the fourth-year anniversary.

//NOTHING FOLLOWS//