

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240005105

APPLICANT REQUESTS: Payment of his Prior Service Enlistment Bonus (PSEB)

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 600-7-R-E (PSEB Addendum)

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 was not paid his PSEB due to lack of funding or lack of communication. He has fulfilled his contract obligations.

3. The applicant's service records contain the following documents:

a. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he had active duty service from 12 November 1998 through 10 March 2003. On 8 May 2009, he enlisted in the Army National Guard (ARNG).

b. On 8 May 2009, he signed an NGB Form 600-7-R-E (PSEB Addendum) showing he was to receive a PSEB in the amount of \$15,000. There is no documentation in his service record showing he was suspended or terminated from receiving his bonus.

4. On 24 January 2025, the Chief, Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion, which states in pertinent part, NGB recommended approval of his request. The applicant received the first payment of \$7,500 on 7 April 2010 and the second payment of \$3,000 on 8 June 2012. The incentive was terminated due to a "voluntary" military occupational specialty (MOS) change; however the assignment history shows the MOS move was directed. After coordination with the New Jersey ARNG, it was determined that when an MOS change is completed it is

completed with an exception to policy (ETP) request to NGB; however, there is no record of an ETP submitted and no documentation of the MOS change being voluntary. Due to the MOS change, the applicant was recouped \$708. The New Jersey ARNG recommended repayment of the \$708 and the final payment of \$4,500 be paid to the applicant. NGB recommended the applicant's request be approved.

5. On 27 January 2025, the advisory opinion was provided to the applicant to allow him the 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 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 MOS move was a directed move vice voluntary and noted there was no record that the move was voluntary. The Board concluded the applicant should be repaid the recouped portion of the bonus and paid the remaining portion of the unpaid bonus amount.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XX	:XX	:XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for 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 an exception to the National Guard Bureau (NGB) for payment of his authorized PSEB
- showing the appropriate office timely received her request and authorized payment as a result of this correction



X //SIGNED//

CHAIRPERSON
Signed by:

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 3-9 (Termination without recoupment), terminate entitlement and eligibility for the REB when the Soldiers accepts a position as a Military Technician, includes temporary technician over 179-days and indefinite technician where membership is a condition of employment, effective on the date of employment. If the Soldier has served at least 6-months of the incentive contract following the date of bonus payment eligibility, termination will be without recoupment.

d. 3-10 (Termination with Recoupment), Terminate entitlement and eligibility for the Reenlistment Bonus when the Soldier accepts a position as a military technician (includes temporary technician over 179 days and indefinite technician) where membership is a condition of employment effective on the date of employment. Soldier has served less than six months of the incentive contract following the date of bonus payment eligibility; termination will be with recoupment.

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//