

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2025

DOCKET NUMBER: AR20240005133

APPLICANT REQUESTS: payment of the remainder of his \$15,000.00 Non-Prior Service Enlistment Bonus (NPSEB).

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 he was notified of potential entitlement to incentive payments for his NPSEB.
3. A review of the applicant's service record shows:
 - On 24 April 2013, he enlisted in the Army National Guard of the United States (ARNGUS); in conjunction with this enlistment, he signed National Guard Bureau (NGB) Form 600-7-1-R-E which states:
 - He enlisted in the ARNG for a period not less than 6-years in the Selected Reserves
 - He enlisted for Military Occupational Specialty (MOS) 12T (Technical Engineer) for a \$15,000.00 NPSEB
 - He would receive the first 50 percent of the NPSEB upon becoming duty MOS qualified
 - He would receive the second 25 percent to be processed on his third anniversary year of his enlistment
 - He would receive the third 25 percent to be processed on his fifth anniversary year of his enlistment

- He understood his NPSEB would be terminated with recoupment if he:
 - failed to maintain medical and dental readiness in accordance with the Standards of Medical Fitness during the entire period of the service obligation,
 - unless failure was due to reasons outside of his control, effective date would be the date of the commander's request for termination
- On 16 September 2013, he was ordered to initial active duty for training by Orders Number 3259008, dated 23 August 2013
- On 19 April 2014, he was honorably released from active duty and reverted to ARNGUS control
- On 14 May 2015, he was suspended from favorable personnel actions due to non-compliance of members medical examinations
- On 15 August 2015, he was honorably released from the ARNGUS for failure to obtain his required physical examination and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement) by Orders Number 349-022, dated 15 December 2015
- On 27 April 2021, he was honorably discharged to the USAR by Orders Number D-04-109282
 - Soldier Management Services -WEB shows:
 - On 7 December 2014, his last annual physical examination was conducted
 - On 7 December 2015, his annual physical examination expired

4. On 10 March 2025, in the processing of this case, the NGB, provided an advisory opinion regarding his NPSEB. The advisory official recommended disapproval of his request. A review of the applicant's records concluded he received his first payment on 20 April 2014. He was flagged for physical examination non-compliance. His incentive addendum was terminated due to violation of the Selected Reserve Incentive Program and because he had been flagged for non-compliance for his physical examination and therefore was discharged from the ARNGUS on 15 August 2015.

5. On 14 March 2015, the Army Review Boards Agency, Case Management Division, provided the applicant with the advisory opinion for review and comment. He did not respond.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy

and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition, available military records and the National Guard Bureau-Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for disapproval finding the applicant's records concluded he received his first payment on 20 April 2014.

2. The opine also noted, the applicant was flagged for physical examination non-compliance. His incentive addendum was terminated due to violation of the Selected Reserve Incentive Program and because he had been flagged for non-compliance for his physical examination and therefore was discharged from the ARNGUS on 15 August 2015. The Board determined there is insufficient evidence to support the applicant's contentions for payment of the remainder of his \$15,000.00 Non-Prior Service Enlistment Bonus (NPSEB). The Board found the applicant entered into a valid six-year enlistment contract with the Army National Guard and was awarded the first bonus installment as outlined in his incentive agreement. However, his failure to maintain medical readiness, specifically, failure to complete the required annual physical examination which resulted in his suspension from favorable personnel actions and ultimately his discharge from the ARNGUS.

3. The Board agreed this is a clear violation of the conditions set forth in the NPSEB addendum, which states that failure to meet medical standards during the service obligation period would result in termination of the incentive with recoupment, unless proven to be outside the Soldier's control. There is no evidence in the record suggesting such mitigating circumstances. The Board found the bonus program's continuation requires strict adherence to readiness standards, and the applicant was flagged for non-compliance before being removed from his unit and reassigned to the U.S. Army Reserve. Based on this chain of events and regulatory guidance, as such, the Board found termination of his bonus eligibility was appropriate and justified. Therefore, relief is denied.

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.

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. National Guard Regulation (NGR) 600-7 (Selective Reserve Incentive Programs), prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs. Paragraph 1-20 (Termination), 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. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive. Paragraph 1-25 (Termination with Recoupment of Incentives), b. Termination with recoupment is defined as termination of the incentive with Soldier is entitled to a prorated incentive amount based on the number of months served satisfactorily prior to the incentive termination date. The Soldier may be required to pay funds back to the government or the Soldier may be entitled to a payment. Termination with recoupment will occur, if a Soldier voluntarily separates due to pregnancy, Termination is effective the date of discharge.

//NOTHING FOLLOWS//