

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20240005138

APPLICANT REQUESTS: payment of her Reenlistment/Extension Bonus (REB) contract dated 21 April 2012.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 21 April 2006
- Annex E to DD Form 4 - Enlistment Bonus Addendum - Army National Guard (ARNG) of the United States, 21 April 2006
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 13 May 2008
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 14 August 2010
- DA Form 4836, 21 April 2012
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 – REB Addendum - ARNG of the United States), 21 April 2012
- DD Form 214, 27 May 2012
- DD Form 214, 7 July 2017
- DA Form 4836, 19 May 2018
- DA Form 4836, 2 May 2021
- DD Form 214, 30 December 2023

FACTS:

1. The applicant states she received a Memorandum for Record with a subject line: Notification of Potential Entitlement to Incentive Payment Incentive contract information: Bonus Type: reenlistment bonus Control Number: R12040041MN. The memo also stated that a review of her record in the Guard Incentive Management System (GIMS) determined she may have not received her incentive in its entirety.

2. A review of the applicant's service records show:

a. She enlisted in the Minnesota ARNG (MNARNG) on 21 April 2006. The applicant completed training requirements and was awarded Military Occupational Specialty (MOS) 92Y (Unit Supply Specialist).

b. On 14 August 2010, DA Form 4836 shows she extended in the MNARNG for 1 year which changed her Expiration Term of Service (ETS) to 20 April 2013.

c. On 21 April 2012, DA Form 4836 shows the applicant extended for 6 years. In connection with the extension, she completed and signed NGB Form 600-7-3-R-E, which states:

(1) The applicant was Duty Military Occupational Specialty Qualified (DMOSQ) for the position for which she was reenlisting/extending, and she held the rank and grade commensurate with the position she was reenlisting/extending for. She was reenlisting/extending into the ARNG MOS 92Y.

(2) The applicant reenlisted/extending for 6 years to receive a total bonus payment of \$10,000.00. She certified that she was reenlisting/extending in a valid, vacant position and she was not coded as excess to the unit. The bonus would be paid in three installments. The first 50 percent payment would be processed for payment the day after current ETS. The second 25 percent payment would be processed on the third-year anniversary and the final 25 percent payment would be processed on the fifth-year anniversary.

(3) The applicant may be terminated from incentive eligibility with recoupment for:

- voluntarily changing her reenlistment/extension MOS during the contractual obligation unless assigned as an 09S (OCS Candidate) or 09R (SMP Cadet)
- transferring out of Critical Skill incentive into a Non-Critical Skill position; incentive will be terminated effective the date of her transfer order

d. On 8 January 2013, the Joint Force Headquarters Minnesota, Office of the Adjutant General published Orders Number 008-1002, which released her from her current unit of assignment and transferred her to the 1135th Combat Sustainment Company, due to an open vacancy selection under the enlisted promotion system at her request. These orders placed her in a vacancy in MOS 94F (Computer/Detection Systems Repairer), effective 8 January 2013.

e. On 8 March 2013, the MNARNG, Office of the Adjutant General published Orders Number 067-1005, which released the applicant from the position of Comp/Detection Systems Repairer and transferred her to the position of Power-Generator Repairer, within the same unit, effective 8 March 2013. In pertinent part, the order shows:

- transfer through open vacancy selection process
- the reason was based on "Individual Request"
- MOS 91D20 (Power Generation Equipment Repairer)

f. On 9 July 2013, the MNARNG, Office of the Adjutant General published Orders Number 190-1047, which awarded the applicant Primary MOS (PMOS) 91D10 and withdrew PMOS 92Y10, effective 27 June 2013.

3. In support of her petition to the Board, the applicant provides:

a. Annex E to DD Form 4 - Enlistment Bonus Addendum - ARNG of the United States, dated 21 April 2006, which shows she would receive a total bonus of \$20,000.00 for critical MOS 92Y.

b. DD Form 214 ending on 13 May 2008, which shows she entered active duty for training on 18 March 2008 and was released from active duty and transferred to her MNARNG unit on 13 May 2008, and was awarded MOS 92Y.

c. DD Form 214 ending on 27 May 2012, which shows she was ordered to active duty in support of Operation Enduring Freedom and was released from active duty and transferred to her MNARNG unit on 27 May 2012.

d. DD Form 214 ending on 7 July 2017, which shows she entered active duty on 8 July 2016 and was released from active duty and transferred to her MNARNG unit on 7 July 2017.

e. DA Form 4836 dated 19 May 2018 showing she extended for 3 years.

f. DA Form 4836 dated 2 May 2021 showing she extended for 4 years.

g. DD Form 214 ending on 30 December 2023, which shows she entered active duty on 20 October 2022 and was released from active duty and transferred to her MNARNG unit on 30 December 2023.

4. On 21 January 2025, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended disapproval. The NGB official states:

a. The applicant reenlisted in the MNARNG with a \$10,000.00 MOSQ bonus for 21 April 2013 to 20 April 2019 signed 21 April 2012 in a 92Y slot. Bonus was to be paid out in three installments with the first 50 percent the day the contract started, 25 percent on the third-year anniversary and the final 25 percent on the sixth-year anniversary. The applicant did not receive any payments and is requesting payment of the incentive.

b. After review of the applicant's record in the GIMS, the incentive was terminated effective 21 April 2013 with zero months completed. The reason noted for termination was an unauthorized change in MOS in accordance with (IAW) section V paragraph 7 of her bonus addendum. The MNARNG also uploaded a DA Form 4856 (Developmental Counseling Form) to GIMS counseling the applicant that an MOS change would cause termination of the incentive dated 16 April 2013. The applicant did not receive any payments, and nothing was recouped. GIMS assignment history shows the applicant did not serve in a 92Y slot during her REB contract.

c. It is the recommendation of this office that the applicant's request be denied. The applicant's REB was terminated effective 21 April 2013 IAW section V paragraph 7 of her bonus addendum for an unauthorized MOS change. The applicant was notified prior to changing MOS that the incentive would not be received. The Minnesota Army National Guard did not provide input for this advisory opinion.

5. On 22 January 2025, the applicant was provided with a copy of the NGB advisory opinion to allow for comments or rebuttal. She 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.


2. The Board carefully considered the applicant's contentions, her military record, the contract and dated specific to the REB, her voluntary change to another MOS and the subsequent termination of the incentive. The Board considered the review and conclusions of the NGB advising official, evidence related to the developmental counseling of the applicant and the GIMS assignment history. Based on a preponderance of evidence, the Board determined that the non-payment of the applicant's incentive due to change in MOS was not in error or unjust.

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. National Guard Bureau Memorandum – Subject: Army National Guard Selected Reserve Incentive Program (SRIP) Policy for Fiscal Year 2012, 5 June 2012 - 30 September 2012 (Policy Number 12-01, Update 1), states in pertinent part:

a. Paragraph 22 (Termination of Incentives), entitlement to incentives will be terminated when any of the termination reasons in reference 1.a. (Army Regulation 601-210, Active and Reserve Components Enlistment Program) apply before the fulfillment of the service described in the member's written agreement. The Soldier shall not be eligible to receive further incentive payments, except for payments for service performed before the termination date. Once declared ineligible, termination of an incentive does not affect a Soldier's responsibility to continue to serve out his or her current statutory or contractual Service commitment.

b. Paragraph 23 (Termination with Recoupment), recoupment of incentives requiring resolution and consideration involving doubtful cases in which recoupment would be contrary to personnel policy, against management objectives, against equity or good conscience, or contrary to the best interest of the United States, the Army, and ARNG, are covered under paragraph 28.

c. Paragraph 24 states, detailed remarks must be entered into Information Management and Reporting Center (IMARC)/GIMS clearly outlining the reasons for termination with recoupment and supporting documents must be uploaded. Reasons for termination with recoupment include the following:

(1) A Soldier voluntarily changing their Critical Skill (CS) MOS during the contractual obligation, unless assigned as a 09S (OCS Candidate) or 09R (SMP Cadet). The termination date will be the date of transfer reflected on the Soldier's order.

(2) A Soldier who voluntarily transfers within the State or Interstate Transfer for reasons other than those covered under references 1.a., 1.h., and 1.i. will be governed by the following: A Soldier who transfers out of a CS incentive into a Non-CS position is not eligible to retain his or her incentives and will be terminated effective the date on the transfer order.

d. Paragraph 28 (Exceptions to Policy (ETP)), the Chief of the Education, Incentives, and Employment Division is the proponent for this guidance and is the authority for ETP determinations. All ETPs will be initiated by the Soldier and routed through their chain of command to the State IM and State Military Personnel Officer, to the Professional Education Center Incentives Support Team for action. Approved or denied ETPs and supporting documents must be uploaded in iPERMS and

iMARC/GIMS. All supporting documents must be uploaded to the iMARC/GIMS ETP module. ETPs are evaluated on an individual basis.

2. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures) requires each recipient of an incentive to sign a written agreement stating the member has been advised of and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive to the member. Paragraph 6.8. (Termination and Recoupment) states, if entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the member's written agreement, that member shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. Unless granted relief, as covered in paragraphs 6.6. and 6.7., the member must refund a prorata amount to the Government, if such termination is for moving to a non-bonus skill or unit, unless the move is required by the Reserve component.

//NOTHING FOLLOWS//