

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 February 2025

DOCKET NUMBER: AR20240005144

APPLICANT REQUESTS: correction of his Reenlistment Bonus (REB) indebtedness by changing his debt from \$2,000.00 to \$1,500.00.

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

- DD Form 149 (Application for Correction of Military Record)
- Office of the Adjutant General Commonwealth of Pennsylvania (PA) Memorandum, Subject: Notice of Incentive Termination Memorandum

FACTS:

1. The applicant states he requests the correction of his indebtedness due to the termination of his REB from \$2,000.00 to \$1,500.00. When his REB was terminated due to his reassignment to a position other than that on his REB, the memorandum of termination stated the recoupment would be in the amount of \$1,500.00. On his April 2024, Leave and Earnings Statement it had shown his debt to be \$2,000.00. Due to no fault of his own, he requests the correction of the amount of his debt.

2. A review of the applicant's service record shows:

a. On 14 February 2005, the applicant enlisted in the Army National Guard of the United States in the military occupational specialty (MOS) of 44B (Metal Worker). He had continuous service through extensions or reenlistments.

b. On 14 February 2005, Orders Number 5045012, issued by the Military Entrance Processing Station, the applicant was ordered to his initial active duty for training effective 13 June 2005 to attend basic combat training (BCT).

c. On 27 August 2005, the applicant was released from active duty after successful completion of BCT.

d. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty for training effective 26 June 2006. He was

honorably released from active duty on 6 October 2006 after completion of 3-months and 11-days of active service.

e. The applicant was ordered to active duty multiple times for operational support.

f. On 15 February 2018, Orders Number 046-017, issued by the Department of Military and Veterans Affairs The Adjutant General, the applicant was ordered to full time National Guard duty in an Active Guard Reserve (AGR) status effective 1 March 2018.

g. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Army National Guard Non-career Recruiter Course during the period of 14 April through 18 May 2018.

h. On 31 May 2019, Orders Number 151-036, issued by the Department of Military and Veterans Affairs the Adjutant General, the applicant was ordered to full time National Guard duty in an AGR status effective 5 June 2019.

i. On 18 August 2020, the applicant reenlisted for 4-years in the ARNG under the provision of NGB-ARH Policy 09-026 for a new expiration of term of service (ETS) of 13 February 2026.

j. On 1 September 2020, Orders Number 245-213, issued by the Department of Military and Veterans Affairs the Adjutant General, the applicant was ordered to full time National Guard duty in AGR status effective 1 September 2020.

k. On 16 October 2020, Orders Number 748688, issued by PA ARNG Army Element Joint Force Headquarters (JFH), the applicant was assigned to the Recruiting and Retention Battalion in the Recruiting and Retention Noncommissioned Officer (NCO) position effective 1 September 2020.

l. On 27 October 2020, Orders Number 771991, issued by the PA ARNG Army Element JFH, the applicant was awarded the MOS 79T (Recruiting and Retention NCO) effective 27 October 2020.

m. On 15 November 2020, Orders Number 320-026, issued by the Department of Military and Veterans Affairs the Adjutant General, the applicant was ordered to full time National Guard duty in an AGR status effective 1 March 2021.

n. On 9 January 2021, the applicant signed a NGB Form 600-7-4-SM (Annex R to DD Form 4 or DA Form 4836 Production Recruiter (79T) Reenlistment/Extension Bonus (SM) Addendum ARNGUS) with bonus control number R21010225PANGB which stated the addendum was to be completed by all AGR 79T Production Recruiters extending for

continuous recruiting duty. This form, when necessary, shall be accompanied by either a DD Form 4 or a DA Form 4836 signed and dated on the same date as the addendum. He was active and qualified in the MOS 79T, assigned to the Recruiting and Retention Command in a 79T position, in the pay grade of E6 or E7 on the contract start date. His service obligation start dated was 9 January 2021 through 8 January 2024. The bonus was in the amount of \$12,000.00 with the initial payment of \$4,000.00 to be processed within 90-days of the contract start date. The second installment to be processed on his first year anniversary and the final installment to be processed on his second year anniversary in the amount of \$4,000.00 respectively.

The contract may be terminated from eligibility with recoupment if:

- Addendum was signed before or after the execution of the DA Form 4836, effective date of termination to be the contract start date
- Voluntarily changed his MOS during the contractual period, effective date of termination to be the date of transfer

The contract may be terminated from eligibility without recoupment if:

- Addendum was signed before or after the execution of the DA Form 4836, effective date of termination to be the contract start date, a payment was not received
 - Transfer to a non-production 79T position, effective date of termination to be the date of the transfer
- o. The applicant's service record is void of a DD Form 4 or a DA Form 4836 which was dated and signed on 9 January 2021.
- p. On 17 April 2021, Orders Number 107-010, issued by the Commonwealth of PA Department of Military and Veterans Affairs the Adjutant General, the applicant was ordered to full time National Guard duty in an AGR status effective 1 June 2021 assigned to the 131st Transportation Company in the Supply Sergeant position.
- q. On 29 November 2021, the applicant extended his enlistment in the ARNG for 1-year, 6-months and 3-days for a new ETS date of 16 August 2027.
- r. On 14 April 2022, Orders Number 1772367, issued by the PA ARNG Army Element JFH, the applicant was awarded the primary MOS of 92Y (Unit Supply Specialist) and the secondary MOS of 79T effective 28 March 2022.
- s. On 3 January 2024, Orders Number 003-044, issued by the Commonwealth of PA Department of Military and Veterans Affairs The Adjutant General, the applicant was

ordered to full time National Guard duty in an AGR status effective 1 February 2024 as the Detachment Readiness NCO in the MOS 88M (Motor Vehicle Operator)

3. The applicant provides the Office of the Adjutant General Commonwealth of Pennsylvania (PA) Memorandum dated 9 January 2022, Subject: Notice of Incentive Termination Memorandum which stated his REB incentive contract was terminated with a prorated recoupment in the amount of \$1,500.00 effective 31 July 2021 due to an unauthorized change in his MOS and duty position. The applicant agreed to the termination of the incentive.

4. On 14 February 2025, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request to adjust his indebtedness from \$2,000.00 to \$1,500.00. The advisory official recommended approval of his request. The PA ARNG terminated his Soldier's 79T REB effective 31 July 2021 for the reason of an unauthorized MOS and duty position change with the recoupment of \$1,500.00. On 9 January 2022, the PA ARNG Incentive Manager sent him the notification of termination; however, on 15 April 2024 the applicant noticed a debt of \$2,000.00. The Guard Incentive Management System shows his incentive was terminated with a recoupment of \$2,000.00. The PA ARNG advised the notification of termination was incorrect in stating the recoupment was to be \$1,500.00 instead of \$2,00.00. The PA ARNG advised the error was on their part. Therefore, his request to have his debt changed to \$1,500.00 vice \$2,00.00 should be approved.

5. On 18 February 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to reduce the applicant's Reenlistment Bonus (REB) debt from \$2,000.00 to \$1,500.00.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by reducing the applicant's Reenlistment Bonus (REB) debt from \$2,000.00 to \$1,500.00. NOTE: If full collection has already been executed, the applicant should be reimbursed the reduced amount.

//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, USC, 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 ARNGUS incentive programs.

a. Paragraph 1-12 (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 1-24 (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 1-25 (Termination with recoupment of incentives), the condition under which termination with recoupment of incentives is warranted when the Soldier voluntarily moves to a non-bonus unit or MOS unless assigned as a 09S (OCS Candidate), 09R (SMP Cadet), or as otherwise stated in this regulation. Termination is effective the date of transfer into the new MOS

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//