

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240005174

APPLICANT REQUESTS: to retain his Reenlistment Bonus (REB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension or Reenlistment)
- National Guard Bureau (NGB) Form (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus (REB) Addendum Army National Guard (ARNG) of the United States)

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

- a. On 16 September 2003, the applicant enlisted in the Regular Army.
- b. On 30 April 2006, the applicant was honorably released from active duty and assigned to the ARNG. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 2-years, 7-months and 15-days of active service.
- c. On 16 July 2011, the applicant extended his enlistment in the ARNG for 3-years for a new expiration of term of service (ETS) of 30 April 2015.
- d. On 3 May 2014, the applicant extended his enlistment in the ARNG for 6-years for a new ETS of 30 April 2021. On the same day the applicant signed his NGB Form 600-7-3-R-E which shows the applicant agreed to serve 6-years for a \$10,000.00 REB with the bonus control number of R14090354PR. He also agreed to served qualified in the MOS 12N (Horizontal Construction Engineer) as the primary position holder of a valid vacancy. His REB would be processed effective the day after his current ETS in

two installments. The first 50 percent to be process on the day after his current ETS date of 30 April 2015 with the second 50 percent to be processed on the fourth year anniversary of his REB, 30 April 2019. He understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date. He agreed he must not be reenlisting or extending in the ARNG for the purpose of qualifying for a Military Technician position where membership in a Reserve component was a condition of his employment (one time temporary assignment as a Military Technician under 180-days is a continuous 12-month period was excluded).

He understood that he would be eligible for continued receipt of his REB if he accepted a Military Technician on a temporary assignment tour for less than 180-days in any continuous 12-month period.

The REB may be terminated with recoupment if he failed to serve at least half of the REB contractual agreement, from the contract start date, in a traditional drilling status prior to returning back to a Military Technician status (only applies if he previously served in a Military Technician program prior to reenlisting or extending for this REB).

The REB may be terminated without recoupment if he accepted a Military Technician position (includes temporary Military Technician position that exceeds 180-days with a continuous 12-months where membership in the Reserve component was a condition of employment and he served more than 1-day past his REB start date. The effective date of the termination is 1-days prior to his Military Technician position start date.

e. On 1 May 2020, the applicant extended his enlistment in the ARNG for 6-years for a new ETS date of 30 April 2027.

3. On 27 January 2025, in the processing of this case, the North Carolina (NC) ARNG provided an advisory opinion regarding the payment of the remainder of his REB. The advisory official recommended disapproval of the applicant's request. The applicant extended his enlistment in the ARNG on 3 May 2014 for 6-years for a \$10,000.00 REB in the MOS 12N. He later accepted a Military Technician position prior to his start date which caused his REB contract to be placed in terminations by the NC ARNG Incentive Branch. It was discovered the applicant was in fact in a permanent Military Technician during the period of 27 July 2014 through 1 June 2018 which was discovered when he applied for leave without pay to accept an Active Guard Reserve position. The incentive branch sent the applicant the termination memorandum and allow 45-days to submit an exception to policy (ETP). There is no evidence the applicant requested the ETP.

4. On 12 February 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment.

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 enlisted in the Army National Guard on 16 September 2003 and reenlisted on 3 May 2014. In connection with his reenlistment, he contracted for a bonus incentive in the duty military occupational specialty qualified (DMOSQ) as the primary position holder of 12N. However, the Board reviewed and concurred with the National Guard Bureau's advising official finding the applicant accepted a military technician position prior to his start date which caused his reenlistment bonus contract to be placed in terminations by the incentive branch. Therefore, 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
: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

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, 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) 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.

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//