

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 February 2025

DOCKET NUMBER: AR20240005182

APPLICANT REQUESTS: payment of Reenlistment/Extension Decentralized State Incentive Pilot Program (DSIPP) Bonus contracted dated 20 July 2011.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 1 March 2011
- National Guard Bureau (NGB) Form 600-7-3-R-E DSIPP (Reenlistment/Extension DSIPP Addendum), 20 July 2011

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 had a Reenlistment Bonus (Control Number R1 1070005XX) that was not paid to him that he was eligible for. He recently received correspondence from Captain R_ S_, the Incentives Oversight Analyst at the NGB, informing him that he should have received a bonus that was not provided to him. Despite fulfilling the terms of his contract and even going beyond expectations, the bonus has yet to be received.
3. A review of the applicant's military service records show:
 - a. Having prior enlisted service in the U.S. Marine Corps, the applicant enlisted in the Mississippi Army National Guard (MSARNG) on 15 June 2004.
 - b. On 1 May 2009, he entered active duty.
 - c. On 29 April 2010, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was released from active duty and was transferred to the MSARNG. He completed 11 months and 29 days of net active service this period. Item

11 (Primary Specialty) shows Military Occupational Specialty (MOS) 13B20 (Cannon Crewmember) – 4 years and 2 months.

d. On 15 June 2010, he was ordered to Full Time National Guard Duty – Operational Support.

e. On 1 March 2011, DA Form 4836 shows the applicant extended his MSARNG enlistment for 1 year which changed his Expiration Term of Service (ETS) to 29 May 2012.

f. On 20 July 2011, DA Form 4836 shows the applicant extended his MSARNG enlistment for a period of 6 years. In connection with his extension NGB Form 600-7-3-R-E-DSIPP shows, in pertinent part:

(1) The applicant was Duty Military Occupation Specialty Qualified (DMOSQ) for the position for which he was reenlisting/extending and held the rank and grade commensurate with the vacancy he was extending/reenlisting for. He reenlisted/extended into the ARNG in MOS 13B.

(2) The applicant reenlisted/extended for 6 years to receive a total bonus payment of \$10,000.00. The bonus would be paid in a lump sum and payment processed for payment the day after his current ETS.

(3) The applicant may be suspended from incentive eligibility and no incentive will be paid during the time of suspension if he entered a period of non-availability (placement in the Inactive National Guard (ING)). Maximum periods of non-availability are one year for personal reasons and three years for missionary obligations.

(4) The applicant may be terminated from incentive eligibility with recoupment for any of the failure to return to active status within the approved time period for non-availability or failure to extend the contracted period of service for a period of authorized non-availability within 30 days of return to active status. Termination will be effective on the date reflected on the applicant's order to the ING/Inactive Ready Reserve.

g. On 10 August 2011, DD Form 214 shows the applicant was released from active duty and was transferred to his MSARNG unit. He completed 1 year, 1 month, and 26 days.

h. On 8 September 2011, the MSARNG, Adjutant General's Office published Orders Number 251-813, which transferred the applicant to the ING, effective 10 August 2011. The orders show the reason was based on "individual's request".

i. On 12 October 2012, the MSARNG, Adjutant General's Office published Orders Number 286-806, which released the applicant from the ING, effective 1 September 2012. The orders show the reason was based on "return from inactive status".

j. On 21 April 2014, the NGB, Deputy G1 notified the MSARNG State Incentive Manager that the Exception to Policy (ETP) request submitted on behalf of the applicant was denied. The State Incentive Manager will terminate without recoupment since no payments toward the incentive have been made. The applicant exceeded the authorized period of non-availability in the ING and/or failed to extend for the period of non-availability within the required time period upon returning to an active status in accordance with regulatory guidance which violates ARNG DSIPP 11-02.

k. On 11 January 2018, DA Form 4836 shows he extended for 1 year. The applicant also extended on 15 May 2019, 1 August 2019, 13 September 2019, and 26 August 2022.

l. NGB Form 23A (ARNG Current Annual Statement) prepared on 1 September 2024, shows the applicant served a period in the ING from 11 August 2011 to 31 August 2012.

4. On 17 January 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion for this case and recommended disapproval. The NGB advisory official states:

a. The applicant reenlisted in the MSARNG with a \$10,000.00 MOSQ bonus for 30 May 2012 to 29 May 2018 signed 20 July 2011. The Reenlistment/Extension Bonus (REB) was established in the Guard Incentive Management System (GIMS) with an eligibility date of payment to be 30 May 2012 for the one-time lump sum payment of \$10,000.00. He did not receive any payment and is requesting payment stating he served his contract.

b. After coordination with the MSARNG, the applicant's REB was terminated effective 21 April 2014 for violation of section V paragraph 3(c) of his bonus addendum. The applicant entered the ING on 11 August 2011 and returned to active status on 31 August 2012. The bonus addendum allows for a maximum period of non-availability of 12 months for personal reasons. An ETP was submitted to the NGB's Incentive Branch and was denied in a memorandum dated 21 April 2014. There was no recoupment as no portion of the bonus was received.

c. It is the recommendation of this office that the applicant's request be denied. The applicant's REB was terminated effective 21 April 2014 when his ETP was denied. He violated his bonus addendum section V paragraph 3(c) and was in a state of non-availability for greater than 12 months. The MSARNG concurs with this advisory opinion.

5. On 22 January 2025, the applicant was provided with a copy of the NGB advisory opinion for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documents, the findings and recommendation outlined in the NGB advisory opinion, and the lack of rebuttal of those findings and recommendation submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's pay record.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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, 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 600-7 (Selected Reserve Incentive Programs (SRIP)) prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs.

a. Paragraph 1-18b (Suspension of SRIP incentives) states, suspension under being assigned to the ING per NGR 614-1 will be for a maximum period of 3 years if a Soldier is fulfilling a missionary obligation or up to 1 year for personal reasons. "Non-availability in excess of the maximum period will be cause for termination from incentive entitlement and will result in recoupment of unearned amounts already paid."

b. Paragraph 2-9 (Termination with recoupment) states, terminate entitlement and eligibility for the Enlistment Bonus effective the date Soldier:

- Fails to extend, within 30 days of return to active status, for the period served in the ING
- Exceeds the maximum period for assignment to the ING authorized in paragraph 1-18b

3. 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.

//NOTHING FOLLOWS//