

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240005199

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid her Prior Service Enlistment Bonus (PSEB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5261-5 (Selected Reserve Incentive Program – United States Army Reserve (USAR) Prior Service Enlistment Bonus Addendum)

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 she requests an ETP to be paid her PSEB. When she enlisted in the USAR it was stated she would receive a \$15,000.00 PSEB. However, the Army informed her that she was not eligible to receive the bonus because she received a bonus from the U. S. Air Force while she was on active duty. She finds this to be an injustice as it was agreed upon in her enlistment contract, now the Army will not hold to their portion of the contract though she had fulfilled her portion. The contract should be honored.
3. A review of the applicant's service record shows:
 - a. With prior service Regular U. S. Air Force and Air National Guard enlisted service, on 25 June 2020, the applicant enlisted in the U. S. Army Reserve (USAR).
 - (1) DD Form 1966 (Record of Military Processing – Armed Forces of the United States) shows the applicant enlisted for the military occupational specialty (MOS) 35M (Human Intelligence Collector). In Item 24 (Previous Military Service or Employment with the U. S. Government states she had prior military service. Item 32 (Specific Option/Program Enlisted for Military Skill or Assignment to a geographical Area

Guarantees) states she enlisted for a \$15,000.00 PSEB – will train. In the remarks box it states the cash bonus of \$15,000.00 was authorized per Headquarters Department of the Army Message DAPE-MPS-REQUEST.

(2) DA Form 5261-5 states she met the eligibility criteria for the bonus, she was not currently MOS qualified in the MOS 35M and she would not receive the bonus entitlement until she became MOS qualified. She had received an honorable discharge from her prior military service. She enlisted for 6-years for the \$15,000.00 bonus to be paid 50 percent upon award of the MOS and the remainder to be paid in 25 percent payments at the end of her second and fourth years.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty in support of Operation Inherent Resolve effective 1 September 2021 and she was honorably released from active duty on 12 December 2021 after she completed 3-months and 12-days of active service. It also shows in item 11 (Primary Specialty) 35M Human Intelligence Collector.

4. On 12 February 2025, in the processing of this case the U. S. Army Reserve Command provided an advisory opinion regarding the applicant's request to retain her PSEB. The advisory official recommended approval of her request. She enlisted in the USAR on 25 June 2020 for 6-years with a \$15,000.00 PSEB for the MOS 35M. The pay center did not pay out the PSEB because she previously received a bonus while serving in the U. S. Air Force. Department of Defense Instruction 1304.31 prohibit service members who have received an enlistment or retention bonus for receiving the PSEB. The accessing agency failed to verify the PSEB eligibility properly. Due to no fault of her own, the applicant should retain her PSEB because she was not informed or the prohibition factors that would disqualify her for the bonus.

5. On 19 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 facts and recommendations outlined in the USARC advisory opinion, the Board concluded there was sufficient evidence warranting payment of the applicant's PSEB bonus.

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 paying the applicant her \$15,000.00 PSEB for the MOS 35M.

//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. Department of Defense Instruction 1304.31 (Enlisted Bonus Program), Establishes policy, assigns responsibilities, and prescribes procedures for a bonus payment. Paragraph 4.3. (Prior Service Reenlistment Bonus), b. Eligibility Requirements for a Prior Service Reenlistment Bonus an individual must:

- Not have previously received, or currently be entitled to, an Selective Retention Bonus in accordance with this issuance or a critical skills retention bonus in accordance with Section 355 of Title 37, U.S.C
- Not have more than 16-years of total military service and have received an honorable discharge at the conclusion of all previous periods of service
- Not have been released, or not be released, from active duty for the purpose of enlistment in a Reserve Component
- Provide either: (a) The original DD Form 214; (b) A reproduction of the DD Form 214 with a certified true copy stamp and the appropriate Federal Government authenticating seal imprinted on the reproduction for any period of previous military service; or (c) Other official documentation verifying member's satisfactory participation for all periods of previous service in the Active Component and Selected Reserve
- Successfully complete any additional training or re-training required to become technically qualified in a designated critical skill for which the member is projected to occupy
- Reenlist for at least 3-years in the Regular or Reserve Component of a Military Service for the purpose of qualifying for award of a prior service reenlistment bonus in accordance with this issuance
- Execute an agreement to serve as an enlisted member in the Regular or Reserve Component of a Military Service for a period of not less than 3-years upon acceptance of the agreement by the Secretary of the Military Department concerned

//NOTHING FOLLOWS//