

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2025

DOCKET NUMBER: AR20240005355

APPLICANT REQUESTS: in effect, the unpaid payments of his Non-Prior Service Enlistment Bonus (NPSEB) incentive contracted on 26 March 2008.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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:
 - He received a letter that he never received the second half of his enlistment bonus and notification of potential entitlement to incentive payments
 - He signed papers after his job change that he would still receive his bonus
 - He received the first half and did not receive the second payment
 - Higher command from the Pennsylvania Army National Guard (PAARNG) got involved to help him get his unpaid NPSEB payments
 - They [his unit] knew he still should receive payment
 - He received a call from someone from his unit stating that if he kept pushing for his NPSEB payments he could end up owing money instead
 - He felt very intimidated and threatened, so he just let it go like they said
 - He requests all payments because he served his time, completed his job training, and fulfilled his end of the contract but the ARNG did not
 - He was intimidated to forget about money he was owed, and no Soldier should ever have to deal with that
3. A review of the applicant's service record shows:

- On 26 March 2008, the applicant enlisted in the PAARNG for 6 years; in connection with his enlistment, NGB Form 600-7-1-R-E (Annex E to DD Form 4 – NPSEB Addendum – Army National Guard (ARNG) of the United States) shows:
 - He enlisted for 6 years and would receive a total NPSEB in the amount of \$20,000.00 less taxes in critical skill Military Occupational Specialty (MOS) 15X (AH-64A Armament/Electrical/Avionics Systems Repairer)
 - The first 50 percent payment would be processed when he completed Initial Active Duty for Training (IADT), and was awarded the MOS for which he enlisted
 - The second and final 50 percent would be paid on the 36th-month anniversary of his date of enlistment
 - In Section VI (Termination with Recoupment), paragraph 6, the applicant would be terminated from bonus eligibility, with recoupment, if he voluntarily transferred into a non-critical skill MOS or transferred from the unit for which the bonus was awarded upon enlistment
 - Recoupment will be calculated from the date of transfer
- On 11 April 2008, Orders Number 8102011 ordered the applicant to IADT for completion of basic training under the alternate (split) training program with a report date on 13 June 2008
- An investigation and adjudication history document shows the applicant's Secret security clearance determined eligibility date as 2 August 2008
- On 30 August 2008, DD Form 220 (Active Duty Report) shows he completed Basic Combat Training
- On 9 February 2010, Orders Number 0040001 ordered the applicant to Advanced Individual Training for completion of training in MOS 15X with a report date of 9 February 2010; the report date was amended to 17 February 2010
- On 16 December 2010, Orders Number 350-1412 awarded the applicant MOS 74D (Chemical Operations Specialist), effective 21 January 2011 or upon completion of training
- On 21 January 2011, the applicant was released from Active Duty Training and was transferred to the PAARNG; DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in item 11 (Primary Specialty) 74D10
- On 26 August 2013, the PAARNG Deputy G1 requested an Exception to Policy (ETP) to approve the applicant to retain his NPSEB due to the rejection of the security clearance that occurred while the applicant was in Basic Training but prior to the Duty MOS Qualified (DMOSQ) training for his critical skill MOS 15X
 - In a combined effort to retain the applicant in a critical skill MOS, the Recruiting and Retention Battalion and originating unit orchestrated a transfer

- to a 74D MOS and kept the applicant in the same unit; the applicant then became DMOSQ as a 74D on 21 January 2011; and
 - He received the first \$10,000.00 installment on 22 January 2011; all supporting documents had been uploaded to the Guard Incentive Management System (GIMS)
 - PAARNG Deputy G1 requested the applicant be allowed to retain NPSEB and receive the remaining installment of \$10,000.00

 - On 25 March 2014, NGB Form 22 (Report of Separation and Record of Service) shows the applicant was released from the ARNG and was transferred to the U.S. Army Reserve Control Group (Annual Training)
 - On 12 September 2014, the NGB, Deputy G1 ARNG, denied the ETP request on behalf of the applicant and stated, the applicant changed his MOS during IADT due to not being able to receive a security clearance; change in MOS is therefore, at fault of the applicant and the request is disapproved

 - The issue of not completing MOS training within the 24-month law requirement is not within the authority of ARNG and the incentive disposition is already determined based upon other discrepancy

 - On 13 March 2015, the PAARNG, State Incentive Manager notified the applicant that his ETP request had been denied and his NPSEB contract had been terminated with recoupment in the amount of \$10,000.00; his NPSEB contract termination date was effective on the start date of the NPSEB on 26 March 2008
4. On 2 April 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion for this case and recommended approval of the applicant's request. The NGB official stated:
- a. The applicant enlisted in the PAARNG into a critical Unit Identification Code (UIC)/Skill Bonus in the amount of \$20,000.00. Bonus was established in the GIMS with a payment schedule to receive the first 50 percent once MOS qualified, and the final 50 percent at the three-year anniversary.
 - b. A review of the applicant's records by the PAARNG concluded that the applicant had received his first bonus payment in the amount of \$10,000.00. His second and final bonus payment was cancelled, and his bonus incentive was terminated with recoupment because he had violated the terms of the NPSEB bonus addendum and National Guard Regulation (NGR) 600-7.

(1) Section VI (Termination with Recoupment), subparagraph 6 states that if the

Soldier voluntarily transfers into a non-critical MOS or transfers from the unit for which the bonus was awarded upon enlistment their bonus incentive would be terminated with recoupment. The applicant had his first bonus payment of \$10,000.00 recouped.

(2) NGR 600-7, paragraph b(c) states that if a Soldier loses MOS qualification due to denial or removal of required security clearance their bonus incentive would be terminated.

c. A denied ETP memo within the GIMS shows that the applicant's incentive was terminated with recoupment because the applicant changed his MOS during IADT due to not being able to receive a security clearance.

d. The PAARNG concludes that the applicant should have the NPS bonus reestablished, and all payments should be paid out. The PAARNG is unclear why the applicant failed to become MOS Qualified as a 15X. ATTRS Indicates "Academic Failure" however, an undated statement the applicant signed and an ETP memo dated 26 August 2013 to NGB which requested to retain the bonus, indicates a loss of security clearance. There is no evidence the applicant ever lost his clearance issued by Army Central Clearance Facility (CCF) on 2 August 2008. Several Orders are missing from the applicant's military record, but it appears at some point he was transferred to Fort Leonard Wood and became qualified in MOS 74D on 21 January 2011. The Selected Reserve Incentive Program (SRIP) Policy from the time indicates that 74D was a critical skill MOS for PA [Pennsylvania] but interestingly 15X is not listed as a critical skill MOS. The 2007 SRIP policy was extended through 2009, and multiple, somewhat confusing updates were issued by NGB during this time frame. The 24-month period to become MOS qualified elapsed based upon the undated memo the applicant signed. He, in good faith, elected to remain on IADT to accept training in an alternate MOS (74D).

e. It is the recommendation of this office that the applicant's NPS bonus be reestablished, and all payment should be made. There is no evidence provided by PAARNG or in the applicant's records that shows why the applicant could not acquire a security clearance, but only that the applicant did acquire a security clearance on 2 August 2008 after becoming MOS qualified as 74D, which is a critical MOS. Additionally, the PAARNG review revealed that the applicant's original contracted MOS of 15X was not a critical MOS, and that the organization, and not the applicant transferred the applicant out of his contracted MOS to be retained in a critical MOS position.

f. The opinion was coordinated with the assistance of the PAARNG Incentive's Office.

5. On 8 April 2025, the applicant was provided with a copy of the NGB advisory opinion to allow for comments or rebuttal. He 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 warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the National Guard Bureau (NGB)- Chief, Special Actions Branch, the Board concurred with the advising official recommendation for approval finding the applicant acted in good faith, remained in the same unit, and became MOS qualified in a critical skill. The advisory also noted inconsistencies in the SRIP policy at the time, including confusion over which MOSs were designated as critical skills, and acknowledged that the applicant's original contracted MOS (15X) may not have been a critical skill for Pennsylvania.
2. The Board determined there is sufficient evidence to support payment of the remaining \$10,000 installment of his \$20,000 Non-Prior Service Enlistment Bonus (NPSEB), contracted on 26 March 2008 in connection with his enlistment in the Pennsylvania Army National Guard (PAARNG) in military occupational specialty (MOS) 15X (AH-64A Armament/Electrical/Avionics Systems Repairer). The Board determined the applicant fulfilled the initial requirements of the bonus agreement and received the first installment upon becoming MOS qualified in an alternate critical skill MOS, 74D (Chemical Operations Specialist), on 21 January 2011. Although the applicant's bonus was terminated with recoupment due to a change in MOS during Initial Active Duty for Training (IADT). The Board found that the termination was not fully supported by the circumstances.
3. The Board noted, the applicant's records show he was unable to complete training in MOS 15X due to issues surrounding his security clearance. However, documentation confirms that he was granted a Secret clearance on 2 August 2008, and there is no evidence that the clearance was ever denied or revoked. The applicant was subsequently transferred to MOS 74D—a critical skill MOS for Pennsylvania through coordinated efforts by the Recruiting and Retention Battalion and his unit, in order to retain him in a critical position. The Board agreed, due to the lack of evidence that the applicant was at fault for the MOS change, the absence of documentation showing denial of his security clearance, and the fact that he became qualified in a critical MOS and remained in the same unit. The Board determined there is sufficient justification to grant relief for reinstatement of the applicant's NPSEB contract and payment of the remaining \$10,000 installment.

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 the Army records of the individual concerned be corrected to show reinstatement of the applicant's NPSEB contract and payment of the remaining \$10,000 installment.

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, U.S. Code (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. Title 31, USC, section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy

considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, U. S. Code, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.

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.

4. Title 37, USC, section 331 (General bonus authority for enlisted members) provides that:

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

b. 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.

5. NGB Memorandum – Subject: ARNG SRIP Guidance for Fiscal Year 2007, 10 August 2007 – 31 March 2008 (Policy Number 07-06) establishes policy to administer ARNG incentives for the period effective 10 August 2007 through 31 March 2008 unless otherwise noted, superseded or suspended. In pertinent part:

a. Paragraph 5 (Termination with 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. The following termination reasons are the most common but may not be all inclusive.

(1) Member moves to a non-bonus skill or unit, unless the move is due to normal career progression (promotion) or is required by the needs of the ARNG.

(2) Any other additional termination with recoupment condition that is not included in this policy can be found in the appropriate chapter of National Guard Regulation 600-7 or on the appropriate incentive's addenda.

b. Paragraph 14b (Eligibility) states, the ARNG offers a \$20,000.00 NPS Critical Skill Enlistment Bonus to applicants who enlist under the 6x2 or 8x0 enlistment option and agree to serve in one of the State "Top Thirty" critical skill MOS.

6. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) governs policies and procedures for the administration of the ARNG SRIP programs.

a. Paragraph 1-25 (Termination with recoupment of incentives) states, the conditions under which termination with recoupment of incentives is warranted are prescribed in this paragraph and the applicable program chapters and sections of this regulation. Termination with recoupment is defined as termination of the incentive with Soldier entitled to a prorated incentive amount based on the number of months served satisfactorily prior to the incentive termination date. The Soldier may be required to pay funds back to the government or the Soldier may be entitled to a payment. Termination with recoupment will occur, if a Soldier:

(1) Fails to become Duty Area of Concentration Qualified (DAOCQ)/Duty MOS Qualified in the AOC/MOS for which contracted per the incentive addendum/agreement and within legally prescribed timelines. Termination is effective on the contract start date.

(2) Loses MOS/AOC qualification due to denial or removal of required security clearance. The termination date is the date on the order removing the security clearance and being considered Non-DAOCQ/DMOSQ.

(3) 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.

b. Paragraph 1-27 (ARNG ETP request) states, all ETPs will be initiated by the Soldier and routed through their chain of command to the State Incentive Manager and the State G1 as established in Chapter 5-3 (State Level). The State Level will evaluate all ETP's received on a case-by-case basis and route them to the appropriate level for final determination. Once a final determination has been made at the established level according to a and b below, the case will be considered to have met the exhaustion of administrative remedies requirements of Army Regulation 15-185 (ABCMR). The

Soldier may then file an application to the ABCMR in accordance with AR 15-185 if there is an alleged error or injustice still existing.

(1) State level action authorized:

(a) ETP denial (only) for requests that meet the following criteria, and delegation has been given by ARNG G-1.

- No recoupment action is required
- Funds have not been disbursed to Soldier
- ARNG does not have authority to approve due to violation of law or Department of Defense Instruction (DoDI)
- Termination of the incentive has been completed in the incentive management system and the debt has been initiated in DJMS or through Out of Service Debt and Claims

(b) Administrative corrections as outlined in Chapter 6.

(2) ARNG is the only level authorized to:

- Approve any ETP
- Grant relief from recoupment, on a case-by-case basis, prior to the debt being established by the Defense Finance and Accounting Service

//NOTHING FOLLOWS//