

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 January 2025

DOCKET NUMBER: AR20240005357

APPLICANT REQUESTS: payment of his Non-Prior Service Enlistment Bonus (NPSEB).

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 (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 requests the payment of his NPSEB under bonus control number 44737XX which he did not receive.
3. A review of the applicant's service record shows:
  - a. On 28 April 2014, the applicant enlisted in the Army National Guard (ARNG).
  - b. Enlisted Record Brief shows the applicant was eligible for an enlistment bonus effective 28 April 2014.
  - c. DD Form 1966 (Record of Military Processing – Armed Forces of the United States) shows in item 32a (Specific Option/Program Enlisted for), the applicant enlisted for a \$10,000.00 NPSEB for a 6-year enlistment.
  - d. Guard Annex (Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment) states the initial enlistment was for a non-prior service member who incurred a statutory military service obligation of 8-years. He selected to be a member of the ARNG for a period of 6-years and a member of the Individual Ready Reserve or Inactive National Guard for the balance of his 8-year statutory obligation unless he elected to remain in the ARNG or he was completely discharged from his enlistment.

e. National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 NPSEB Addendum ARNG of the United States) states the applicant enlisted in the ARNG for a period not less than 6-years. He would receive a NPSEB in the amount of \$10,000.00 to be paid in three installments: 50 percent upon successful completion of Advanced Individual Training (AIT), 25 percent on the third-year anniversary of his enlistment and the final 25 percent on the fifth year anniversary. The bonus would be terminated with recoupment if he had two consecutive Army Physical Fitness Test (APFT) failures and/or two consecutive failures to meet body fat standards within the contract term. The effective date of the termination would be upon the second failure for the APFT or body fat standards.

f. On 22 August 2014, Orders Number 4258009, issued by the Military Entrance Processing Station, the applicant was ordered to initial active duty for training, effective 15 September 2014, for completion of Basic Combat Training and AIT.

g. On 20 January 2015, the applicant passed a record APFT.

h. On 27 January 2015, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-months and 13-days of active service and successfully completed 12K (Plumber) Course.

i. On 2 April 2017, the applicant was found to be not in compliance with body fat standards with a body fat of 28 percent when his authorized body fat was 22 percent.

j. On 15 April 2018, the applicant failed the APFT by scoring 23 points in the push-up event, 41 points in the sit-up event and zero points in the two-mile run event. He also failed the height and weight standards for his gender and age group.

k. On 28 July 2018, the applicant was found to be not in compliance with body fat standards with an actual body fat of 24 percent when his authorized body fat was 22 percent.

l. On 18 August 2018, the applicant was found to be not in compliance with body fat standards with an actual body fat of 31 percent when his authorized body fat was 22 percent.

m. On 16 September 2018, the applicant failed the APFT by scoring 62 points in the push-up event, 43 points in the sit-up event and zero in the 2-mile run event.

n. On 16 September 2018, the applicant was found to be not in compliance with body fat standards with an actual body fat of 30 percent when his authorized body fat was 22 percent.

o. On 27 October 2018, the applicant failed the APFT by scoring 49 points in the push-up event, 43 points in the sit-up event and zero in the two-mile run event. And he failed the height and weight standards for his gender and age as well as the body fat standards with 32 percent body fat.

p. On 6 April 2020, Orders Number 307570, issued by the Louisiana ARNG Army Element Joint Force Headquarters, the applicant was involuntarily separated from the ARNG, effective 27 April 2020, due to non-medically qualified for retention.

q. On 27 April 2020, the applicant was honorably discharged from the ARNG for being medically unfit for retention. NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 6-years of service.

r. The applicant's service record is void of evidence he was flagged for suspension of favorable personnel actions for the APFT or body fat standards failures.

4. On 3 January 2025, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request to be paid his NPSEB. The advisory official recommended partial approval of his request. On 28 April 2014, the applicant enlisted in the ARNG for a \$10,000.00 NPSEB. The applicant received his initial installment in the amount of \$5,000.00 upon completion of his AIT. He failed his first APFT on 15 April 2018 and his second consecutive APFT on 16 September 2018. His NSPEB was terminated on 16 September 2018 which made him eligible to receive 53-months of the bonus in the amount of \$7,361.11. Of which he received \$5,000.00 for a remained due to the applicant in the amount of \$2,361.11.

5. On 6 January 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:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 National Guard Bureau-Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for partial approval finding the applicant was eligible to receive a prorated amount of the bonus based on 53 months of qualifying service prior to termination. The total eligible amount was calculated at \$7,361.11, of which \$5,000.00 was already paid, leaving a remaining balance of \$2,361.11 due to the applicant.

2. The Board determined the applicant successfully completed AIT and received the initial \$5,000.00 installment. However, his bonus was terminated on 16 September 2018 following two consecutive failures of the Army Physical Fitness Test (APFT) and repeated failures to meet body fat standards. While these failures are documented, the Board noted that his service record does not reflect any formal flagging actions for suspension of favorable personnel actions, which may have contributed to administrative ambiguity regarding his bonus eligibility. Based on the applicant's documented service, fulfillment of initial bonus requirements, and the advisory opinion's findings, the Board granted partial relief, authorizing payment of the remaining \$2,361.11 of the NPSEB.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show the applicant is eligible to receive 53-months of the bonus in the amount of \$7,361.11. Of which he received \$5,000.00 for a remained due to the applicant in the amount of \$2,361.11.
  
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to full payment of his \$10,000.00 Non-Prior Service Enlistment Bonus (NPSEB).

X //SIGNED//

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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 Army National Guard of the United States (ARNGUS) incentive programs. Paragraph 1-20 (Termination), 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. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. The unit commander or an authorized unit representative will initiate termination

procedures when a Soldier is terminated from an incentive. Repeat APFT failures or failure to meet body fat standard within a 1-year period will result in the suspension of an incentive. Two consecutive APFT or body fat standard failures will result in the termination of an incentive.

//NOTHING FOLLOWS//