

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20240005393

APPLICANT REQUESTS: Payment of his Reenlistment/Extension Bonus (REB) dated 18 May 2012.

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), 18 May 2012
- National Guard Bureau (NGB) Form 600-7-3-R-E (REB Addendum), 18 May 2012
- NGB Form 22 (National Guard Report of Separation and Record of Service), 15 March 2019

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 received mail from NGB stating that he needed to start a form to find out if his REB (Control Number R120500018MA) was paid in full before discharge.

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

a. He enlisted in the Massachusetts Army National Guard (MAARNG) on 16 March 2010.

b. On 15 December 2010, Joint Force Headquarters MAARNG published Orders Number 349-106, which awarded the applicant Primary Military Occupational Specialty (MOS) 74D (Chemical, Biological, Radiological, and Nuclear Specialist), effective 19 October 2010.

c. On 18 June 2011, DA Form 268 (Report to Suspend Favorable Personnel Actions (FLAG)) shows a FLAG for Army Physical Fitness Test (APFT) failure was initiated against the applicant, effective the same date. The FLAG was removed on 15 April 2012.

d. On 18 May 2012, DA Form 4836 shows his current Expiration Term of Service (ETS) as 15 March 2013, and he extended for 6 years which change his ETS to 15 March 2019. In connection with the extension, he signed and completed NGB Form 600-7-3-R-E, which states, in pertinent part:

(1) He was Duty MOS Qualified for the position for which he was reenlisting/extending and held the rank and grade commensurate with the position he was reenlisting/extending for. He reenlisted/extended into ARNG MOS of 74D.

(2) He reenlisted/extended for 6 years to receive a total bonus payment of \$10,000.00. The bonus would be paid in three (3) installments. The first 50 percent would be processed for payment the day after current ETS. The second 25 percent payment would be processed on the third anniversary and the final 25 percent payment would be processed on the fifth-year anniversary.

(3) The applicant may be terminated from incentive eligibility with recoupment for two consecutive record APFT failures and/or two consecutive failures to meet body fat standards within this contract term. Termination will be effective on the date of the second APFT failure or second failure to meet body fat standards.

e. On 13 April 2014, DA Form 268 shows a FLAG for APFT failure was initiated against the applicant, effective 12 April 2014. The FLAG was removed on 12 June 2014.

f. On 15 March 2019, the applicant was honorably discharged from the ARNG by reason of ETS. NGB Form 22 shows he completed 9 years net service this period. In pertinent part, item 18 (Remarks) shows:

- Selected Reserve Incentive Program (SRIP): Yes
- Termination: Yes
- Recoupment: Yes
- Termination Date: 15 August 2016
- Termination Reason: "M"

g. On 15 March 2022, after a break in service, the applicant enlisted in MAARNG and is currently serving in the ARNG.

4. On 29 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 MAARNG with a \$10,000.00 MOS Qualified bonus for 16 March 2013 to 15 March 2019 signed 18 May 2012. The applicant received the first payment of \$5,000.00 and second payment of \$2,500.00 on 5 April 2013 and 15 April 2016 respectively. The incentive was terminated effective 1 August 2016 and \$1,944.44 was recouped, the applicant did not receive the final payment of \$2,500.00.

b. After review of the applicant's Guard Incentive Management System (GIMS) profile, the applicant's incentive was terminated as a result of failing two consecutive APFT and in accordance with (IAW) the applicant's bonus addendum section V paragraph 3(h). The bonus was terminated effective 1 August 2016, the date of the second APFT failure.

c. It is the recommendation of this office that the applicant's request be denied. The applicant failed two consecutive APFTs and IAW his bonus addendum section V paragraph 3(h) the incentive was terminated effective 1 August 2016 the date of the second APFT failure. The MAARNG concurs with this advisory opinion.

5. On 30 January 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:

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 applicant requested correction of military records to allow entitlement to a reenlistment bonus that was administratively forfeited. However, the Board determined that the applicant's failure to meet physical readiness standards invalidated continued eligibility for the requested incentive. Specifically, the record reflects the applicant failed two consecutive Army Physical Fitness Tests (APFT) with the second failure occurring on 1 August 2016. Per applicable Army policy and guidance in effect at the time, consecutive APFT failures disqualified Soldiers from bonus entitlement and rendered them ineligible for continued incentives linked to reenlistment contracts.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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

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 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.

3. National Guard Bureau Memorandum - Subject: ARNG SRIP Policy for Fiscal Year 2012 (FY12), 5 June 2012 - 30 September 2012 (Policy Number 12-01, Update 1) prescribes eligibility criteria, procedures, and standards for administering the ARNG SRIP for FY12. This policy supersedes all previous SRIP policies, guidance, instructions, MGIB-SR Kicker policies, and Education Incentive Operational Messages (EIOMs), except EIOMs published in FY12 with applicable references. In pertinent part:

a. Paragraph 23 (Termination with Recoupment) states, recoupment of incentives requiring resolution and consideration involving doubtful cases in which recoupment would be contrary to personnel policy, against management objectives, against equity or good conscience, or contrary to the best interest of the United States, the Army, and ARNG, are covered under paragraph 28 (Exceptions to Policy).

b. Paragraph 24 states, detailed remarks must be entered into Information Management and Reporting Center/GIMS clearly outlining the reasons for termination with recoupment and supporting documents must be uploaded. Reasons for termination with recoupment include a Soldier with contracts executed after 1 March 2009, and with two consecutive record APFT failures and/or two consecutive failures to meet body fat standards within the contract term. Termination will be effective on the date of the second APFT failure or second failure to meet body fat standards.

//NOTHING FOLLOWS//