

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240005426

APPLICANT REQUESTS: correction of his record to show cancellation of a duplicate debt recoupment.

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

- DD Form 149 (Application for Correction of Military Record)
- Payment history
- Defense Finance and Accounting Service – Certificate for Income Tax Adjustment letters
- U.S. Department of the Treasury letter, 14 February 2020
- CBE letters
- Fort Financial Credit Union Account Information

FACTS:

1. The applicant states in pertinent part that he finished repaying a previously received bonus in March 2020. However, in January 2024, he discovered that the same debt amount was requested for repayment. He contests that he enlisted in the Army National Guard (ARNG) in October 2008, with entitlement to an enlistment bonus. He further notes that this action is impacting his credit rating and needs to be corrected.

2. A review of the applicant's available service records reflects the following:

a. On 22 October 2008, the applicant enlisted in the ARNG for 8 years with duty as a 68W (Medical Specialist). The applicant was further entitled to a Non-Prior Service Enlistment Bonus of \$20,000.00 to be paid in 2 increments (50 percent upon completion of Initial Active-Duty Training and award of a Military Occupational Specialty; 50 percent payment on the 36-month anniversary of his enlistment date). National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Enlistment Bonus Addendum – Army National Guard of the U.S.), Section VI (Termination with Recoupment) provides acknowledgment by the applicant that his bonus eligibility would be terminated with recoupment if he was separated from the ARNG for any reason unless due to death, injury illness or impairment not the result of his own misconduct.

b. On 4 April 2014, the INARNG issued Orders Number 094-1040, retroactively discharging the applicant from the ARNG effective 21 January 2014, due to an alcohol or drug related offense, in accordance with National Guard Regulation 600-200 (Enlisted Personnel Management) Paragraph 6-35i (1) (Acts or Patterns of Misconduct). Termination with recoupment of the applicant's NPSEB would occur effective 22 June 2013.

c. On 24 April 2014, the applicant was notified that a discrepancy was discovered within his NPSEB incentive whereby recoupment of \$4,444.44 was required. On or about 22 June 2013, the applicant was flagged pending separation due to an alcohol or drug related offense.

3. The applicant provides the following a:

a. Payment history reflective of payments made between 30 April 2019 – 3 March 2020 totaling \$5,867.00.

b. Defense Finance and Accounting Service – Certificate for Income Tax Adjustment letters, reflective of communication provided to the applicant for calendar year 2019 and 2020. In 2019, the applicant paid a total of \$2,745.50 toward settlement of his debt; in 2020, the applicant paid a total of \$1,698.94 toward settlement of his debt.

c. U.S. Department of the Treasury letter dated 14 February 2020, reflective of the Internal Revenue Service applying \$950.00 of the applicant's Federal Tax towards a debt.

d. CBE letters, reflective of the applicant being advised of a \$5,800.44 debt (\$4,444.44 principal, \$7.44 interest and \$1,348.56 fees) established on or about 30 April 2019. The applicant was required to pay \$441.70 per month towards this debt with a final payment of \$58.34 being due on 29 June 2020. The last payment noted is 29 January 2020.

e. Fort Financial Credit Union Account Information reflective of monthly deductions of \$441.70 being drafted from the applicant's account between April 2019 and March 2020.

4. On 18 October 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that after review of his submission, he provided bank and DFAS statements reflective of payments towards the debt. After coordination with DFAS it was determined the debt was duplicated. It was confirmed from the DFAS analyst in an email on 16 October 2024, that the original debt

of \$4,444.44 was paid in full in March of 2020. Duplicate debt should be cancelled, and any payments made should be refunded to the applicant.

5. On 31 October 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 20 November 2024, 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 facts and recommendation outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to grant relief by cancelling the duplicate debt on the applicant's DFAS pay record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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 cancelling the duplicated debt in the applicant's DFAS pay record and that any pay from the duplicate debt previously collected be returned to the applicant.



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. Department of Defense Instruction (DoDI) 1304.31 (Enlisted Bonus Program) provides that the Secretaries of the Military Departments may pay a bonus under the Enlisted Bonus Program (in accordance with Title 37, United States Code (USC), section 331) to persons or members, as appropriate, to support recruiting and retention efforts in designated military skills, career fields, units, or grades, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. To be eligible the member signs an agreement with the Secretary of the Military Department concerned to serve on active duty or in an active status for a specified period, in a designated military specialty or skill, career field, unit, or grade, successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid.
2. U.S. Army Reserve (USAR) Fiscal Year (FY) 2009 Selected Reserve Incentive Program (SRIP) – USAR FY2009 SRIP Policy Guidance from 10 August 2007 - 30 September 2009 provides policy to assist the USAR in meeting leadership's end strength, readiness, and balancing the force objectives. It provides recruiting and retention incentives to assist in filling critical shortages. Paragraph 14 (Termination with Recoupment) provides that recoupment of incentives may occur if the service member separates from the ARNG due to death, injury, illness or other impairment that is the result of the Soldier's own misconduct or for a reason not addressed in this policy.
3. Title 37 United States Code (USC), Section 373 (Repayment of Unearned Portion of Bonus, Incentive Pay, or Similar Benefit, and Termination of Remaining Payments,

when Conditions of Payment not met) provides a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement.

4. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. The Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//