

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240005455

APPLICANT REQUESTS: in effect, payment of any subsequent payments of his Non-Prior Service Enlistment Bonus (NPSEB) and his Student Loan Repayment Program (SLRP) with retroactive payment.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- Guard Annex
- NGB Form 600-7-1-R-E (Bonus Addendums Army National Guard (ARNG) Annex E to DD Form 4)
- NGB Form 600-7-5-R-E (Bonus Addendums (ARNG))
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 7 October 2010

FACTS:

1. The applicant enlisted in the ARNG on 3 December 2009, and is currently serving in the Active Guard/Reserve (AGR) Program. Upon his enlistment in the ARNG, he acknowledged he may be eligible for an enlistment bonus if he did not enlist to gain employment in an AGR position. In addition:

a. He enlisted to serve in a critical skill for no less than 6 years, in a paid drill status, and agreed to ship during the off-peak period, for which he was to receive a total bonus of \$15,000.

b. As a NPSEB applicant, he was also eligible for the SLRP. His existing student loans totaled \$20,479.00. He understood that his SLRP eligibility will be terminated if he accepted an AGR tour.

c. The applicant received his receive his first NPSEB payment but was not entitled to his second or third payments. Additionally, he received fiscal year 2011 (FY) and FY12 SLRP payments.

3. On 1 February 2012, he was ordered to full-time National Guard duty (FTNGD), in an AGR status. His contract was then terminated without recoupment of the SLRP or the NPSEB payments for entering the AGR program.

4. On 13 February 2025, the National Guard Bureau (NGB) in coordination with the assistance of the California Army National Guard Incentive's Office and the ARNG Incentives office, provided an advisory opinion. The NGB recommended that both of the Soldier's requests to receive the remainder of his payments for his NPSEB and SLRP incentive be denied. The Soldier knowingly entered in the AGR program on 1 February 2012, which terminated both his NPSEB and SLRP incentive. The exception to enter in the AGR program with continued receipt of incentive was not in effect until 1 October 2018.

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. After thorough consideration of the case file and the advisory opinion provided by the National Guard Bureau (NGB), the Board concurs with the NGB recommendation to disapprove the request and recommends denial of relief.

a. The applicant entered into a contractual agreement that included a bonus incentive, contingent upon fulfillment of specific service obligations. By voluntarily accepting an AGR position, the applicant terminated the original contract under which the bonus and SLRP were authorized. This change in status rendered the applicant ineligible to continue receiving the bonus and incentive, in accordance with applicable policies and regulations governing incentive programs.

b. The Board finds no evidence of error or injustice in the administration of the bonus or SLRP program or the termination of the applicant's eligibility following his transition to AGR status. The terms of the bonus contract were clear, and the applicant's decision to accept an AGR position constituted a voluntary action that nullified the original agreement.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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
Signed by:

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. Army Regulation 15-185 Army Board for Correction of Military Records (ABCMR), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
2. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures) prescribes procedures for incentive programs. Section 6.2 (Written Agreements) states, in part, as a condition of the receipt of an incentive covered by this instruction, each recipient shall be required 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. That agreement shall clearly specify the terms of the Reserve service commitment that authorizes the payment of the incentive to the member. Section 6.9 (Exception to Recoupment): Recoupment is not required in the following circumstances when an incentive is terminated: Sub-section 6.9.3. If accepting an Active Guard Reserve (AGR) or Mil Tech position where membership in a Reserve component is a condition of employment, and member has served at least 6 months of the incentive contract following receipt of the initial incentive payment.
3. Army Regulation 135-7 (Incentive Programs) provides that to be eligible for the Student Loan Repayment Program (SLRP) incentive, a person must contractually obligate himself or herself to serve satisfactorily. A person must serve in the Selected Reserve for the full term of the contractual agreement per paragraph. He or she must further obligate himself or herself to continue to serve in the same component and the same Military Occupational Specialty (MOS) unless excused for the convenience of the Government.
4. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA), the U.S. Army Reserve (USAR), and the Army National Guard (ARNG).
 - a. Enlistment Program 9L, U.S. Army Reserve Component Incentive Enlistment Program (Non-Prior Service Enlistment Bonus (NPSB), prior service Enlistment Bonus, Montgomery GI Bill-SR Kicker, Loan Repayment Program). This program is available to qualified NPS, PS, Glossary NPS, and Army Civilian Acquired Skills Program (ACASP) applicants enlisting for the minimum term of enlistment, when authorized as described in this regulation.

b. Selected Reserve Incentives Program Non-Prior Service Enlistment Bonus.

This chapter provides policy and guidance for the administration of the SRIP-Non-prior Service (NPS) Enlistment Bonus. A cash bonus is offered to eligible applicants enlisting in the selective reserve (SELRES) and complying with all of the eligibility requirements.

- Meets the eligibility criteria for enlistment as a NPS applicant
- Enlists in the ARNGUS or Army Reserve for eight years (8x0). The Soldier may enlist for a period of one to six years in the SELRES for varying incentives
- Enlists for a position vacancy in a SELRES bonus unit and/or bonus MOS as designed by Headquarters Department of the Army (HQDA). When the SM completes Initial Active Duty for Training (IADT) the position must be vacant
- Qualify as a secondary school graduate
- Has completed IADT or received sufficient training to be deployable
- Is classified in Mental Category I, II, or III (Armed Forces Qualification Test (AFQT))
- Is not enlisting to qualify for a military technician or AGR position where membership in the SELRES is a condition of employment
- Is not enlisting for voluntary assignment to full-time AD or active duty for training (ADT) beyond 90 days in support of the Reserve program
- Completes DA Form 5261 (SELECTED RESERVE INCENTIVE PROGRAM-ENLISTMENT BONUS ADDENDUM) as part of the enlistment agreement
- Enlistment through the Army Civilian Acquired Skills Program (ACASP) IAW Chapter 7, this regulation in an MOS authorized by HQDA for the bonus

c. Termination of incentives. Incentive eligibility will be stopped when any of the termination reasons as listed below apply and that member shall not be eligible to receive any further incentive payments, except for service performed before the termination date.

(1) Once declared ineligible, termination of an incentive will not affect a Soldier's responsibility to serve his or her current statutory or contractual service commitment.

(2) Termination of eligibility to an incentive will occur if a Soldier Accepts a permanent military technician or AGR position where membership in the SELRES is a condition of employment and have served less than six months of the incentive contract term (temporary assignment as a military technician for a period of less than six months is excluded).

5. Army Regulation 621-202 (Army Educational Incentives and Entitlement) prescribes Army-unique policies, responsibilities, and procedures for the administration of veterans' education programs and education incentives authorized by law, as well as information on Title 38, United States Code, Chapter 30 (excluding Active Guard Reserve (AGR))

(38 USC Chapter 30), 38 USC Chapter 32, 38 USC Chapter 33, 10 USC Chapter 1606, and 10 USC Chapter 1607.

a. To be eligible for the SLRP incentive, a person must contractually obligate himself or herself to serve satisfactorily per AR 135–91. A person must serve in the SELRES for the full term of the contractual agreement. Continued receipt of the SLRP or MGIB–SR on transfer from ARNGUS to the Army Reserve or from the AR to the ARNGUS will be managed in accordance with AR 601–210. An eligible Soldier is one who is not entering an AGR status after 2 August 2008.

b. Termination of Student Loan Repayment Program incentives will be in accordance with AR 601–210.

//NOTHING FOLLOWS//