

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20240005483

APPLICANT REQUESTS: reinstatement and payment of the final portion of his Reenlistment Bonus (REB) in the amount of \$5,000.00.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5261 (Selected Reserve Incentive Program – Enlistment Bonus Addendum), dated 27 February 2007 showing his initial enlistment bonus with the U.S. Army Reserve
- NGB Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Enlistment Bonus Addendum Army National Guard of the United States), dated 11 August 2008 showing his initial enlistment bonus with the Army National Guard (ARNG)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 22 January 2009 to be addressed in the service record below
- DD Form 214, ending 22 June 2013 showing a period of active duty service while assigned to the ARNG
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 9 May 2014 to be addressed in the service record below
- NGB Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus (REB) Addendum Army National Guard (ARNG) of the United States (ARNG)), dated 9 May 2014
- DD Form 214, ending 15 August 2018 showing a period of active duty service while assigned to the ARNG
- DA Form 4836, dated 15 July 2020 showing continuous service with the ARNG
- DA Form 4836, dated 11 September 2020 showing continuous service with the ARNG
- DA Form 4836, dated 3 November 2021 showing continuous service with the ARNG
- DD Form 214, ending 11 November 2021 showing a period of active duty service while assigned to the ARNG

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, in pertinent part, he received a letter notifying him that he still had unpaid bonus monies.
3. A review of the applicant's service record reflects the following:
  - Having prior enlisted service in the U.S. Army Reserve, on 11 August 2008, he enlisted in the Alabama ARNG (ALARNG)
  - DD Form 214, ending 22 January 2009 shows he completed initial active duty training and advanced individual training from 2 September 2008 to 22 January 2009, for a net service period of 4 months and 21 days, and was awarded the military occupational specialty (MOS) 92Y (Unit Supply Specialist)
  - DA Form 4836, dated 9 May 2016 shows he extended his enlistment with the ALARNG for a period of 6 years. In conjunction he signed NGB Form 600-7-3-R-E, bearing Control Number R14050219XX, entitling him to a \$10,000.00 REB for a 6-year reenlistment/extension in the MOS 92Y to be paid in two installments, the first 50 percent to be processed the day after his current expiration term of service and verification of his MOS and unit qualification, and the second 50 percent upon the fourth year anniversary of the REB start date
  - His record is void of any instruments showing he had failed two consecutive army physical fitness tests (APFT)
  - He continues service with the ALARNG
4. On 25 June 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending disapproval of the applicant's request stating, in pertinent part:
  - a. The applicant was notified by the ARNG Incentives Branch that his REB may not have been paid in its entirety. He submitted an ABCMR request with supporting documents as directed.
  - b. He signed REB Addendum in the ALARNG on 9 May 2014 as a MOS 92Y for 6 years. He was eligible for a bonus totaling \$10,000, with the first half of payment to be processed the day after his then ETS. The second 50 percent payment will be processed on the fourth-year anniversary of his REB contract start date. His first installment of \$5,000 was processed on 11 August 2014. His second installment pay date would have been 11 August 2018.

b. Per NGB Form 600-7-3-R-E, Section VI, the bonus may be terminated with recoupment if the applicant fails two consecutive APFTs within the REB contract term. The effective date of termination is the date of the second consecutive record APFT failure.

c. It is the recommendation of this office that his request be disapproved. The applicant’s record in GIMS shows that he failed his second consecutive APFT in November 2016. The GIMS record also shows that the REB contract was terminated on 6 November 2016, and \$1,388.89 was recouped.

d. The ARNG Incentives Branch did not provide input for this recommendation.

e. The ALARNG concurs with this recommendation.

5. On 27 June 2025, the applicant was provided with a copy of the advisory and provided an opportunity to respond. 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 Board concurred with the conclusion from National Guard Bureau, Chief, Special Actions Branch advisory official that pursuant to the applicant’s enlistment Addendum, his contract could be terminated if he failed two consecutive APFT’s. He failed his second APFT and therefore, his contract was terminated on 6 November 2016. The Board determined there was no error or injustice and denied relief.

**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//

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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, U.S. Code, 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, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.
3. Title 37, USC, section 308 (Special Pay: reenlistment bonus) states the Secretary concerned may pay a bonus under paragraph (2) to a member of a uniformed service who is qualified in a military skill designated as critical by the Secretary of Defense, and reenlists or voluntarily extends the member's enlistment for a period of at least three years in a regular component or the Reserve component of the service concerned. Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.
4. National Guard Bureau Selected Reserve Incentive Program (SRIP) 13-01 provides that the REB is processed in in two installments, 50 percent processed for payment the day after his current ETS, and the final 50 percent upon completion of the fourth-year anniversary.

//NOTHING FOLLOWS//