

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 December 2024

DOCKET NUMBER: AR20240005509

APPLICANT REQUESTS: payment of his reenlistment Bonus (REB) in the amount of \$5,000.00 in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension or Enlistment or Reenlistment)
- National Guard Bureau (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))
- NGB Form 22 (National Guard Report of Separation and Record of Service)
- NARNG Army Element Joint Force Headquarters ([REDACTED]) Orders Number 2072497
- NGB Form 55B (Honorable Discharge Certificate)
- HQ, [REDACTED] ARNG, Memorandum, Subject: Advisory Opinion – Stagg Sergeant (SSG) [REDACTED] (the applicant) Unpaid Bonus
- Transmittal Letter (TL) ARNG Incentive Management System (GIMS) Data
- Bonus Payment History

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 he reenlisted for a \$5,000.00 REB in the ARNG which he was not paid though he completed his service obligation for the contract and has since retired from the ARNG. He requests the payment of his \$5000.00 REB.
3. A review of the applicant's service record shows:
 - a. With prior enlisted U. S. Marine Corps service, the applicant enlisted in the ARNG on 29 February 2008 for 3 years.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was ordered to active duty for training on 29 October 2008 and was honorably released from active duty on 9 October 2009 after completion of 11 months and 11 days of active service.

c. On 15 October 2009, Orders Number 288-110, issued by the Office of the Adjutant General that ordered the applicant to active duty in support of Operation Iraqi Freedom effective 8 December 2009.

d. On 22 October 2009, Orders Number 295-1041, issued by the Office of the Adjutant General awarded the applicant military occupational specialty (MOS) 89D (Explosive Ordnance Disposal Specialist) effective 22 October 2009.

e. On 28 October 2010, the applicant extended his enlistment in the ARNG for 3-years for a new expiration of term of service (ETS) of 28 February 2014.

f. On 23 December 2010, the applicant was honorably released from active duty. His DD Form 214 for this period shows he completed 1-year and 16-days of active service.

g. On 11 July 2012, Orders Number 193-280, issued by the Office of the Adjutant General, ordered him to active duty for training effective 28 July 2012 for mobilization support.

h. On 4 September 2012, the applicant was released from active duty. His DD Form 220 (Active Duty Report) shows he completed 37-days of active service.

i. On 17 May 2013, the applicant extended his enlistment in the ARNG for 3-years for a new ETS of 28 February 2017. The applicant signed his REB Addendum, NGB Form 600-7-3-R-E which shows the applicant agreed to serve 3-years for a \$5,000.00 REB with the bonus control number of [REDACTED]. He also agreed to served qualified in the MOS 89D as the primary position holder of a valid vacancy. His REB would be processed effective the day after his current ETS as a lump sum payment. He understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date.

j. On 3 July 2013, Orders Number 184-1061, issued by the Office of the Adjutant General assigned the applicant to Team Leader position of the 1108th Ordnance Company Explosive Ordnance Disposal effective 3 July 2013 in a qualified 89D MOS position.

k. On 18 December 2016, the applicant extended his enlistment in the ARNG for 6-months for a new ETS of 18 August 2017.

l. On 22 April 2017, the applicant extended his enlistment in the ARNG for 6-years for a new ETS of 28 August 2023.

m. On 13 May 2021, Orders Number 36-133-0025, issued by the Office of the Adjutant General, ordered the applicant to active duty in support of Operation Enduring Freedom (Spartan Shield) effective 24 June 2021.

n. On 10 May 2022, the applicant was honorably released from active duty. His DD Form 214 for this period shows he completed 10-months and 17-days of active service.

o. On 2 September 2022, the applicant was honorably released from the ARNG and assigned to the Retired Reserve. His NGB Form 22 shows the applicant completed 14-years, 6-months and 4-days of service.

4. The applicant provides:

a. ■■■ ARNG Army Element ■■■ Orders Number 2072497 dated 3 October 2022, which shows the applicant was transferred from the ARNG to the Retired Reserve effective 3 September 2022.

b. NGB Form 55B shows the applicant was honorably discharged from the ARNG and transferred to the Retired Reserve effective 2 September 2022.

c. HQ, ■■■ ARNG, Memorandum, Subject: Advisory Opinion – SSG ■■■ (the applicant) Unpaid Bonus, stated the applicant reenlisted in the ARNG on 17 May 2013 for 3-years for a \$5,000.00 REB which should have been paid on 1 March 2014, the date his contract began. The contract was processed properly in the GIMS; however, the applicant was never paid the REB according to the Defense Joint Military Pay System – Reserve Component (DJMS-RC). It was discovered during a routine audit of incentive contracts that were still open in GIMS, the applicant was never paid his REB. A reconciliation was never completed on the contract to ensure payment was made. The applicant has satisfactorily served his entire term of the contract and served an additional 6-years and 6-months and subsequently retiring in September 2022. Through no fault of his own, he never received payment of his REB. The ■■■ ARNG requests a favorable consideration of the applicant's request for payment of his REB.

d. TL GIMS shows the applicant signed his contract on 17 May 2013 with a bonus control number of ■■■ for a \$5,000.00 REB, the contract period was 1 March 2014 through 28 February 2017. The applicant satisfactorily completed 36-months; no previous payments were received.

e. Bonus payment history shows his anniversary payment was due on 1 March 2014 with \$0.00 paid to the applicant.

5. On 12 November 2024, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for payment of his REB. The advisory official recommended approval of the applicant's request. A review of the applicant's service record shows he reenlisted on 17 May 2013 for 3-years and signed a REB contract for \$5,000.00 to start on 1 March 2014. Despite his contract being established he was never paid this bonus according to DJMS-RC. The error was discovered during a routine audit of open contracts in GIMS. There were no irregularities in the applicant's service record that would have prevented his payment.

6. On 21 November 2024, 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:

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 available documentation and the findings and recommendations of the NGB advisory opinion, the Board concluded there was sufficient evidence to grant relief, as requested.

BOARD VOTE:


Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 paying the applicant his reenlistment Bonus (REB) in the amount of \$5,000.00.

12/27/2024

XCHAIRPERSON


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. National Guard Regulation (NGR) 600-7 (Selective Reserve Incentive Programs) in effect at the time, prescribes policies and procedures for the administration of the ARNGUS incentive programs.

a. Paragraph 1-13 (Obligation), an enlisted Soldier must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.

b. Paragraph 1-16 (Incentive payments), payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing to Military Pay Branch for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

c. Paragraph 3-5 (Entitlement), entitlement to a bonus for an immediate

reenlistment begins on the date of the oath of enlistment; the extension bonus on the first day of the extended period of service. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

d. Paragraph 3-7 (Reenlistment/extension bonus payment procedures), establish a bonus pay account by initiating a B03 transaction in coordination with military pay branch. After seven days, query DFAS account to ensure accuracy of pay account. After a Soldier has been loaded as a bonus participant, DFAS will pay the Soldier per the following:

(1) The State Incentive Manager will issue two copies of the Bonus Report or State Reports as prescribed by State policy to each unit monthly and establish a suspense date for the return of the appropriate document.

(2) Unit commanders must certify eligibility for payment. Commanders may delegate authority to certify to the State Incentive manager at the discretion of the MILPO.

(3) The State Incentive Manager will submit the certification to military pay branch on a transmittal letter or in accordance with military pay guidance.

(4) Ensure after bonus payment is processed that the SIDPERS database reflects the proper number of bonus payments to date.

3. Title 37 USC, section 331 (General bonus authority for enlisted members), (a) The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who:

- enlists in an armed force
- enlists in or affiliates with a reserve component of an armed force
- reenlists, voluntarily extends an enlistment, or otherwise agrees to serve:
- for a specified period in a designated career field, skill, or unit of an armed force
- under other conditions of service in an armed force

(g) (Repayment), a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

4. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), to update policy, assign responsibilities, and prescribe procedures under reference and for management of the Reserve components incentive programs.

a. Paragraph 5.3 (Secretaries of the Military Departments), publish guidance to implement this instruction concerning program eligibility, dollar amounts and recoupment procedures for Reserve component incentives. Implement procedures to effectively manage the service obligations of individuals receiving incentives, ensuring that all payback periods and other requirements contained in agreements within this instruction are met, and that recoupment measures are implemented for non-compliance.

a. Paragraph 6.6.2, persons whose military specialty is changed at the convenience of the Government or whose unit is inactivated, relocated, reorganized, or converted are entitled to continue receiving incentive payments provided they meet all other eligibility criteria, and are not separated from the Selected Reserve.

b. Paragraph 6.8 (Termination and Recoupment), if entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the member's written agreement, that member shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. Unless granted relief, as covered in paragraphs 6.6. and 6.7., above, the member must refund a prorated amount to the Government, if such termination is for subparagraph 6.8.3, moves to a non-bonus skill or unit, unless the move is required by the Reserve component.

//NOTHING FOLLOWS//