

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240005860

APPLICANT REQUESTS: to receive his Non-Prior Service Enlistment Bonus (NPSEB).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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 requests to receive the remainder of his NPSEB. He received a letter from the NGB which stated a review of his records indicated he did not receive the second half of his bonus.
3. A review of the applicant's service record shows:
 - a. On 16 September 2011, the applicant enlisted in the Army National Guard of the United States in the military occupational specialty (MOS) of 13M (Multiple Launch Rocket System (MLRS) or High Mobility Artillery Rocket System (HIMARS) crewmember). He had continuous service through extensions or reenlistments and he still serves.
 - b. U.S. Military Entrance Processing Command (USMEPCOM) Form 680 dated 16 September 2011 shows the applicant's Armed Forces Qualification Test (AFQT) score as 49.
 - c. NGB Form 600-7-1-R-E states he was a NPS applicant enlisting in a primary valid vacant position for a 6-year enlistment for which he would receive \$2,500.00 and he would forfeit 50 percent if he did not ship for his initial active duty for training (IADT) on 18 October 2011. If he failed to become fully qualified in an Army MOS within 24-months of his enlistment the incentives would be terminated without payment. He would; however, receive the first 50 percent installment upon completion and verification

of his MOS qualification for which he enlisted. The second 20 percent installment would be processed on his third year anniversary of his enlistment date with the third and final 30 percent installment to be paid on his fifth year anniversary. His test score category is TSC IIIB and AFQT score of 49.

d. On 30 September 2011, Orders Number 1291003, issued by the Military Entrance Processing Station, the applicant was ordered to his initial active duty for training effective 18 October 2011.

e. On 27 January 2012, Orders Number 027-423, issued by Headquarters, U. S. Army Garrison, Fort Sill, the applicant was awarded the MOS of 13M effective 22 February 2012.

f. On 24 February 2012, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-months and 7-days of active service.

g. During his ARNG service, the applicant was ordered to active duty twice in support of Operation Enduring Freedom.

h. On 15 December 2015, Orders Number 349-821, issued by the Joint Force Headquarters (JFH) Tennessee National Guard (TN NG), the applicant was awarded the primary MOS 92Y (Supply Specialist) and the secondary MOS of 13M effective 20 May 2014.

i. On 1 March 2019, the applicant's AFQT was reevaluated and he scored 32.

j. On 30 November 2022, Orders Number 334-0001, issued by the JFH TN NG, the applicant was ordered to full time NG duty in an Active Guard Reserve status effective 1 December 2022.

4. On 20 February 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request to be paid his NSPEB. The advisory official recommended disapproval of his request. The applicant enlisted in the ARNG on 16 September 2011 and at the time of his enlistment, he scored 49 in the AFQT percentile. A review of his supporting documents and service record it was determined he was not eligible for the NPSEB. The Guard Incentive Management System (GIMS) indicated the contract was terminated for failing to meet the minimum AFQT score of 50 in accordance with the ARNG Selected Reserve Incentives Program for Fiscal Year 2011. The TNARNG terminated the contract without recoupment as he had been ineligible to receive the contract. The GIMS shows there was an exception to policy (ETP) request submitted; however, the ETP was denied on 21 May 2018.

5. On 21 February 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment.

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 reviewed and concurred with the National Guard Bureau's advising official finding the applicant enlisted in the ARNG on 16 September 2011 and scored a 49 in the AFQT percentile and as such was not eligible for the NPSEB. The applicant's incentive was terminated for failing to meet the minimum AFQT score of 50 in accordance with the ARNG SRIP Policy. Subsequently, the applicant's request for an ETP was denied. Therefore, the Board concluded relief was not warranted.

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. 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. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) governs policies and procedures for the administration of the Army National Guard of the United States incentive programs.

a. Paragraph 1-22 (Suspension of Incentives), f Participants in receipt of a scholarship will be suspended from the SLRP while:

- Participating in the SMP, effective on the start date of order to the course
- Participating in the receipt of the ROTC advanced scholarship effective on the date the class started
- Soldiers that do not receive an ROTC scholarship or are in a non-scholarship status will remain eligible and will not be suspended for the SLRP provided they continue to perform military duties as specified in their original contract. Refer to paragraph 1-21a(14)
- Soldier must provide the State Incentive Office (SLRP/Incentives Manager) a DA Form 597 (Army Senior ROTC Non-scholarship Cadet Contract) to support non-scholarship status

b. Paragraph 1-25 (Termination with Recoupment of Incentives), b. Termination with recoupment is defined as termination of the incentive with Soldier is entitled to a prorated incentive amount based on the number of months served satisfactorily prior to the incentive termination date. The Soldier may be required to pay funds back to the government or the Soldier may be entitled to a payment. Termination with recoupment will occur, if a Soldier:

- becomes an unsatisfactory participant, accumulates nine or more unexcused absences within a 12-month period or fails to attend or is absent one day of annual training without the approval of the commander effective on the date on which the Soldier fails to report for, the termination date is the date of the first unexcused absence
- fails to participate satisfactorily in required training during the entire period of Service agreed to per the written agreement, unless the failure to participate satisfactorily was due to reasons beyond the control of the member (that is, death, injury, illness, or other impairments)

- Enlisted while attending high school and does not become a secondary school graduate within the required time limit, Termination is effective on the contract start date
- Fails to become DAOCQ/DMOSQ in the AOC/MOS for which contracted per the incentive addendum/agreement and within legally prescribed timelines, Termination is effective on the contract start date
- Loses MOS/ AOC qualification due to denial or removal of required security clearance, The termination date is the date on the order removing the security clearance and being considered Non-DMOSQ
- Accepts a Title 10 or Title 32 AGR position; the effective date of entry into AGR status and has served less than the required amount of time, Termination is effective the day prior to start date of the order.
- Accepts a position as a military technician (Mil Tech) to include temporary technician over 179-days and indefinite technician, where membership is a condition of employment, effective on the date of employment and the Soldier has served less than the required amount of time per current DOD policy Termination is the day prior to the start date for permanent Mil Techs and on day 180 for all other Mil Techs when 179-days is exceeded in a 12-month period
- Fails to become Instructor-qualified within 180 days of assignment to an RTI and/or RSP cadre, The termination date is the date of the transfer order
- Fails to become Drill Sergeant-qualified within 365 days of the date of assignment to an RSP Drill, The termination date is the date of the transfer order
- Coded as excess or over-strength, unless involuntarily placed in status due to unit transition, The termination date is the date moved into the excess position
- Refuses assignment within the SELRES upon current unit's transition, termination is the effective date of assignment refusal
- Voluntarily moves to a non-bonus unit or MOS unless assigned as a 09S, 09R, or as otherwise stated in this regulation, Termination is effective the date of transfer into the new MOS
- Voluntarily retires from active drilling status, Termination is effective the date of discharge
- Voluntarily separates due to pregnancy, Termination is effective the date of discharge
- Exceeds the maximum authorized period of non-availability or fails to extend the contracted term of service for an authorized period of non-availability within 90-days of returning to active drilling status, Termination date is effective the date of transfer into the ING or IRR
- Separates from a SELRES unit of the ARNG for any reason, Separation includes, but is not limited to:
 - Discharges or transfers to the ING or Retired Reserve and fails to extend for the period of service while in an authorized period of non-availability within 90 days of returning to active drilling status, Termination date is the effective date on the transfer order to the ING or IRR

- Separates from the ARNG for enlistment into an AC (Regular Army, Navy, USMC, USAF, or USCG) and receives an enlistment incentive. Termination date is the ARNG discharge date
- Discharges for an Adverse Action while under a Suspension of Favorable Personnel Actions (SFPA) in which the SFPA was not favorably closed by the Commander, Termination is effective the date the SFPA was initiated, unless the SFPA was favorably closed by the Commander prior to discharge date
- Separates from the ARNG due to death, injury, illness, or other impairment that is the result of the Soldier's own misconduct, Termination is effective on the date of discharge
- Incentive contracts signed before or after the execution date of enlistment, reenlistment or extension, Termination is effective on the contract start date.
- Has exceeded the maximum authorized period of non-availability or fails to extend the contracted term of service for an authorized period of non-availability within 90 days of return to active status, Termination is effective on the date of transfer into the period of non-availability
- Fails to maintain medical and dental readiness during the entire period of the service obligation, unless the failure was due to reasons outside of the Soldier's control (e.g., death, injury, or illness), The termination effective date is the date the Commander requests termination
- Medically discharged as a result of their own misconduct, regardless of whether they are assigned to a designated combat zone (CZ) or combat-related operation, The termination date is the ARNG discharge date
- Discharged from the ARNG for any reason unless otherwise noted in this regulation or in the current ARNG SRIP policy, Termination effective date is the ARNG discharge date

c. Paragraph 1-26 (Termination without Recoupment), the conditions under which termination without recoupment of incentives is warranted. Payment due after the effective date of the action will be canceled and will not be paid to the Soldier:

- enlisted while attending high school and does not become a high school graduate
- fails to ship within the required time period
- involuntary separation as a result of unit transition or reduction in force
- separation due to sole survivorship
- separation from ARNG or transfer from designated bonus position due to death, injury, illness or other impairment that is not the result of misconduct by the Soldier
- fails to become duty MOS qualified in contract incentive from date of enlistment
- accepts an AGR position and has served the required amount of time, the termination effective date is one day prior to the start date of the AGR tour

d. Chapter 2, section I, eligibility for NPSEB, an incentive offered to applicants who have not previously serviced in the Armed Forces who:

- contract for 8-year term of service of which no less than 3-years must be served in a drilling status
- enlist for minimum term of service and be trained in a critical skill which is approved for bonus entitlements
- meet the current fiscal year (FY) Selected Reserve Incentive Program (SRIP) policy requirements
- fill a valid vacant position and not an excess, over-strength or manually loaded vacancy
- not enlisted to qualify for a military technician or an active guard reserve (AGR) position
- executed a written agreement to serve as an enlisted member in the Selected Reserve
- meet the current unit and Armed Forces Qualification Test (AFQT) category requirement per the current NGB policy guidance

//NOTHING FOLLOWS//