

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240005911

APPLICANT REQUESTS: entitlement to payment of remaining bonus installments.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 20 May 2009
- NGB Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus Addendum Army National Guard of the U.S.), 20 May 2009
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 3 February 2011

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 received a notification informing him that he may have not received a portion of his Reenlistment/Extension Bonus (REB). He is unaware of the issue prompting the notification nor of any error which may have resulted in the denial of payment. As such, he would like the matter looked into.
3. A review of the applicant's available service records reflects the following:
 - a. On 21 April 2004, the applicant enlisted in the ARNG for 8 years with duty as a 13F (Fire Support Specialist).
 - b. On 20 May 2009, the applicant elected to extend his current enlistment by 6 years with entitlement to a \$10,000.00 REB to be paid in 3 installments: 50 percent on the date that the contract takes affect, 20 percent on the third-year anniversary and 30 percent on the sixth-year anniversary of the contractual agreement. NGB Form 600-7-3-R-E, Section V (Termination) provides that bonus eligibility would be terminated with

recoupment if the applicant failed 2 consecutive record Army Physical Fitness Test (APFT).

- c. On 24 January 2016, the applicant elected to extend his enlistment by 1 year.
 - d. On 22 January 2017, the applicant elected to extend his enlistment by 1 year.
 - e. On 17 September 2017, the applicant elected to extend his enlistment by 1 year.
 - f. On 25 October 2018, the applicant elected to extend his enlistment by 6 years resulting in a 20 April 2025, expiration term of service date.
4. The applicant provides a DD Form 214 (Certificate of Release or Discharge from Active Duty), 3 February 2011, reflective of the applicant's service on active duty in support of Operation Iraqi Freedom from 5 January 2010 – 3 February 2011.
5. On 24 January 2025, the Chief, Special Actions Branch, National Guard Bureau, provided an advisory opinion recommending disapproval of the applicant's request noting that he reenlisted with entitlement to a \$10,000.00 bonus on 20 May 2009. The bonus was established in the Guard Incentive Management System (GIMS) with eligibility dates of payment to be 21 April 2010 for \$5,000; 21 April 2013 for \$2,000 and 21 April 2016 for \$3,000. He received the first payment of \$5,000, but the incentive was terminated due to his failure of 2 consecutive APFTs (last APFT failure occurred on 3 March 2012) prompting the recoupment of \$1,944.44 of the initial installment.
6. On 29 January 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 19 February 2025, the applicant has not responded.

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 the applicant's petition, available service record, and concurred with the National Guard Bureau advising official finding the applicant reenlisted with entitlement to a \$10,000 bonus on 20 May 2009. To which he received his first installment payment of \$5,000, but the incentive was terminated due his failure of two consecutive APFTs which promoted the recoupment of \$1,944.44 of his initial installment and terminated the remaining installments. The Board concluded the

applicant did not fulfill his obligation and therefore was not entitled to the bonus incentive.

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

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 600-7 (Selected Reserve Incentive Program) provides Army National Guard policies, procedures, and implementation of Selected Reserve Incentive Programs. This regulation sets responsibilities, lists benefits, describes eligibility criteria and entitlement, sets suspension, termination, and recoupment requirements, and prescribes processing and payment procedures. Paragraph 1-20 (Termination) provides that a Soldier's incentive eligibility and entitlement stop when they are repeat Army Physical Fitness Test (APFT) failure or fail to meet body fat standard with a one-year period. Two consecutive APFT or body fat standard failures will result in the termination of an incentive.

//NOTHING FOLLOWS//