

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240006027

APPLICANT REQUESTS: to receive unpaid reenlistment bonus from 2013 contract.

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) dated 2 November 2013
- NGB Form 600-7-3-R-E (ANNEX R to DD Form 4 or DA Form 4836) dated 2 November 2013
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 January 2015
- Orders Number 051-01 dated 20 February 2015

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 the error or injustice that needs to be corrected to his records is the issuance of his reenlistment bonus with the control number of R13110046GU. He believes his records are in error or unjust because of the possibility that his bonus was not received in its entirety. He received a memorandum from the National Guard Bureau (NGB), Guard Incentive Management System about the discrepancy.

3. A review of the applicant's service record shows the following:

a. He enlisted in the Guam Army National Guard (GUARNG) on 29 September 2007 and continued service through reenlistments and extensions.

b. Orders Number 252-260 dated 8 September 2008, issued by United States Army Installation Management Command, Headquarters, United States Army Garrison, Fort

Sam Houston awarded the applicant the primary military occupational specialty (MOS) 68W10 effective 24 September 2008.

c. DD Form 214 shows that the applicant entered active duty this period on 18 March 2008 and was honorably released from active duty training (ADT) on 24 September 2008 for completion of period of ADT.

d. DD Form 214 shows that the applicant entered active duty this period on 18 November 2009 and was honorably released from active duty on 26 December 2010 for completion of required active service.

e. DA Form 4836 (Oath of Extension of Reenlistment or Reenlistment) dated 6 January 2012; shows he extended his service in the GUARNG for 1-year for a new expiration of term of service (ETS) date of 28 September 2014.

f. DA Form 4836 (Oath of Extension of Reenlistment or Reenlistment) dated 2 November 2013; shows he extended his service in the GUARNG for 6-years for a new ETS date of 28 September 2020.

g. NGB Form 600-7-3-R-E (ANNEX R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus (REB) Addendum) dated 2 November 2013 shows he extended his enlistment in the ARNG for 6-years for a new expiration of term of service (ETS) of 28 September 2020. On the same day the applicant signed his NGB Form 600-7-3-R-E which shows the applicant agreed to serve 6-years for a \$10,000.00 REB with the bonus control number of R13110046GU. He also agreed to serve qualified in the MOS 68W (Combat Medic Specialist) as the primary position holder of a valid vacancy. His REB would be processed effective the day after his current ETS in two installments. The first 50 percent to be process on the day after his current ETS date with the second 50 percent to be processed on the fourth year anniversary of his REB. He understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date.

h. Orders Number 337-0019 dated 3 December 2014, issued by United States Army Garrison-Hawaii, ordered the applicant retired in the grade/rank of staff sergeant (SSG) effective 30 January 2015.

i. DD Form 214 shows that the applicant entered active duty this period on 2 March 2013 and was honorably retired from active duty on 30 January 2015 for disability, permanent (enhanced).

j. NGB Form 22 (National Guard Report of Separation and Record of Service) shows that the applicant enlisted this period on 29 September 2007 and was honorably released from GUARNG 30 January 2015.

k. Enlisted Record Brief (ERB) dated 2 February 2015, shows in Section III the applicant's Pay Entry Base Date (PEBD) is 29 September 2007 and his ETS date as 28 September 2020.

4. The applicant provides Orders Number 051-01 dated 20 February 2015, issued by Guam National Guard, honorably discharged him from the ARNG and assigned him to United States Army Reserve (USAR) Control Group Retired Reserve effective 30 January 2015 and he also provided the following documents from his enlistment; the documents were discussed in paragraph 3 above:

- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) dated 2 November 2013
- NGB Form 600-7-3-R-E (ANNEX R to DD Form 4 or DA Form 4836) dated 2 November 2013
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 January 2015

5. On 6 February 2025, in the processing of this case the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion regarding the applicant's request to receive unpaid reenlistment bonus from 2013 contract.

a. After review of the applicant's record, he was discharged from the GUARNG effective 30 January 2015. His separation orders number 051-01 dated 20 February 2015 states the loss reason code as MG, indicating it was a medical release to retirement. Section VI paragraph e of the applicant's bonus addendum states bonus will be terminated effective the date of discharge if a Soldier is involuntarily ordered into retirement.

b. It is the recommendation of this office that the applicant's request be denied. The applicant was discharged from the GUARNG effective 30 January 2015 with Orders Number 051001 dated 20 February 2015 which was the effective date of termination of his incentive IAW section VI paragraph e of the Soldier's bonus addendum.

c. The GUARNG was asked but did not provide input for this advisory opinion.

6. On 14 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

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 was discharged from the GUARNG on 30 January 2015 with the loss reason code as MG, indicating it was a medical release to retirement. The applicant's bonus addendum outlines the bonus would be terminated effective the date of discharge if the Soldier is voluntarily ordered into retirement. The Board concluded relief was not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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, 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 1-20 (Termination), a. A Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. b. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. c. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive.

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.

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.

//NOTHING FOLLOWS//