

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006106

APPLICANT REQUESTS: payment of his non-prior service enlistment bonus.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document), 8 August 2013
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4, Non-Prior Service Bonus Addendum, Army National Guard of the United States (ARNG)), 8 August 2013
- Two DD Forms 214 (Certificate of Release or Discharge from Active Duty)
- Orders 242-008, issued b TX Military Department, TXARNG on 29 August 2016
- Orders 053-036, issued by TX Military Department, TXARNG on 22 February 2019

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 enlisted in the TXARNG on 8 August 2013. In connection with his enlistment into the TXARNG, he contracted for a non-prior service enlistment bonus also on 8 August 2013. The NGB Form 600-7-1-R-E shows, in pertinent part, in section VI (Termination), he may be terminated from incentive eligibility with recoupment if he voluntarily changes his enlistment military occupational specialty during the contractual obligation unless assigned as an 09S Officer Candidate School (OCS) Candidate or 09R Simultaneous Membership Program Cadet. The effective date of termination will be the date reflected on the transfer order.
3. On 17 November 2015, the applicant contracted for the Army Senior Reserve Officers' Training Corps (ROTC) Scholarship Cadet Program.

4. On 13 December 2018, the applicant was discharged from the TXARNG to accept appointment as a commissioned officer.

5. The applicant remains in the ARNG as a commissioned officer.

6. On 19 February 2025, in the processing of this case, an advisory opinion was received from the NGB. The Chief, Special Actions Branch recommended disapproval of the applicant's request.

a. A review of the applicant's claim was conducted by the TXARNG and concluded the Soldier was in violation of his non-prior service enlistment contract when he signed his ROTC scholarship contract.

b. The Soldier was in violation of his initial contract addendum and the ARNG Selected Reserve Incentive Program Fiscal Year 2013 policy. The Soldier signed the ROTC contract in November 2015 and only completed 24 months of his non-prior service enlistment contract and therefore his contract was terminated.

c. During a review, it was revealed the applicant had \$1,666,67 of his first installment incentive payment recouped. This sum of money should be reimbursed to the applicant as the Fiscal Year 2013 policy clearly states that no recoupment should be applied for this action.

7. The applicant was provided with a copy of the advisory opinion and responded on 24 February 2025 stating he acknowledged NGB's advisory and concurred with the findings. He also confirmed he did sustain a payment recoupment during that time frame.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition, available military records and National Guard Bureau (NGB)-Special Actions Branch advisory opinion, the Board concurred with the advising official finding the applicant had only completed 24 months of his original contract before entering the ROTC scholarship program, resulting in termination of his bonus eligibility under the ARNG Selected Reserve Incentive Program Fiscal Year 2013 policy.

2. The Board noted the applicant contracted for a bonus under the terms outlined in NGB Form 600-7-1-R-E, which specified that incentive eligibility would be terminated with recoupment if the Soldier voluntarily changed their military occupational specialty (MOS) during the contractual obligation period, unless assigned as an 09S Officer Candidate School (OCS) Candidate or 09R Simultaneous Membership Program (SMP) Cadet. On 17 November 2015, the applicant contracted for the Army Senior ROTC Scholarship Cadet Program, thereby breaching the terms of his enlistment bonus agreement. The Board acknowledged that \$1,666.67 of the applicant's first installment was recouped in error and should be reimbursed, it found no evidence to authorize payment of the remaining bonus. The Board found the applicant's voluntary transition to the ROTC scholarship program constituted a valid termination of his incentive eligibility. Therefore, relief is denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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 (SRIP) governs policies and procedures for the administration of the ARNG SRIP programs. In pertinent part:

a. Paragraph 1-24 (Termination of incentives) states, incentive eligibility and entitlement will stop when any of the termination reasons listed in paragraphs 1-25 and 1-26 of the applicable program chapters and sections apply. The Soldier will not be eligible to receive any further incentive payments, except for service performed before the termination date. Termination of an incentive will not affect a Soldier's responsibility to serve their current statutory or contractual Service commitment. The unit commander or authorized unit representative will initiate termination procedures and inform the State Incentive Manager when a Soldier is not in compliance with the incentive terms and conditions.

b. Paragraph 1-25b (Termination with recoupment of incentives) states, termination with recoupment is defined as termination of the incentive with which a 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 —

(1) 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).

(2) Fails to become Duty Area of Concentration Qualified (DAOCQ)/Duty Military Occupational Specialty Qualified (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.

(3) "Incentive contracts signed before or after the execution date of enlistment, reenlistment or extension. Termination is effective on the contract start date."

c. Paragraph 1-26 (Termination without recoupment) provides that, the conditions under which termination without recoupment of incentives is warranted are prescribed in

this paragraph and the applicable program chapters and sections of this regulation. The effective date of the termination will be the effective date of the action. Payments due prior to the effective date will be paid to the Soldier. In pertinent part, payments due after the effective date of the action will be canceled and will not be paid to the Soldier as follows:

(1) Fails to ship within the required time period per current SRIP policy.
Termination effective date will be the contract start date.

(2) Fails to become DMOSQ in contracted incentive from date of enlistment per SRIP policy when no payments are authorized prior to DMOS/DAOC qualification.
Termination effective date will be the contract start date. If time to complete training was extended due to no fault of the Soldier, it will be evaluated on a case by case basis per chapter 5 (Settlement Process).

d. Cases requiring further examination will be referred to the Chief of Incentives Oversight Branch (ARNG- HRM-I) for resolution and consideration for waiver or exception to determine if recoupment should be waived.

//NOTHING FOLLOWS//