

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006196

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)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States)
- 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 (ARNGUS))
- NGB Form 22 (NGB Report of Separation and Record of Service)
- U. S. Army Human Resources Command (AHRC) Orders Number D-09-221576

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 17 September 2014, the applicant enlisted in the ARNGUS.
 - b. Enlisted Record Brief shows the applicant's primary military occupational specialty is 09B (trainee not assigned) and his bonus eligibility date was 17 September 2014.
 - 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 \$12,500.00 and

he would forfeit 50 percent if he did not ship for his initial active duty for training (IADT) on 18 June 2012. 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 25 percent installment would be processed on his third year anniversary of his enlistment date with the third and final 25 percent installment to be paid on his fifth year anniversary.

d. On 7 April 2015, Orders Number 5153010, issued by the Military Entrance Processing Station, the applicant was ordered to his initial active duty for training effective 1 June 2015 to attend Basic Combat Training and his Advanced Individual Training.

e. On 30 October 2015, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 5-months of active service. It also shows in item 11 (Primary Specialty): 92F Petroleum Supply Specialist.

f. On 21 July 2016, the applicant signed an ARANG Simultaneous Membership Program (SMP) agreement which stated he was not required to completed basic training prior to enrollment in the Advanced Reserve Officer's Training Corps (ROTC) course and he will service in the ARNG after commissioning.

g. On 19 October 2016, Orders Number 293-547, issued by the Joint Force Headquarters (JFH) Alabama National Guard (AL NG), the applicant was assigned to the 145th Chemical Battalion effective 19 October 2016 due to his request to be transferred to the Inactive National Guard for personal reasons.

h. On 31 October 2016, the applicant signed an Army Senior ROTC Scholarship Cadet Contract where the Army agreed to pay a period of three academic years in a full amount of tuition for the applicant.

i. On 15 November 2016, Orders Number 320-565, issued by the JFH AL NG, the applicant was assigned to the 117th Field Artillery effective 1 November 2016 due to his being appointed as a cadet or midshipman.

j. On 17 November 2016, Orders Number 322-580, issued by the JFH AL NG, the applicant was promoted to the rank of sergeant (SGT)/E5 in the MOS 09R (SMP Cadet) effective 31 October 2016.

k. On 6 July 2017, Orders Number 187-519, issued by the JFH AL NG, the applicant was assigned to the 690th Chemical, Biological, Radiological, Nuclear

Company effective 14 June 2017 due to excess to authorized strength of unit and was not qualified (required, scheduled or attending Army MOS Service School).

l. On 13 February 2018, Orders Number 044-528, issued by the JFH AL NG, the applicant was reduced in rank to specialist (SPC)/E4 effective 2 October 2017 with the MOS 92F.

m. On 7 November 2018, Orders Number 311-522, issued by the JFH AL NG, the applicant was reduced in rank to private first class/E3 effective 1 November 2018 due to unsatisfactory participation.

n. On 7 February 2019, Orders Number 038-509, issued by the JFH AL NG, the applicant was promoted to the rank of SPC/E4 effective 5 February 2019.

o. On 18 October 2019, Orders Number 291-536, issued by the JFH AL NG, the applicant was reduced in rank of PFC/E3 effective 7 October 2019 for administrative reasons.

p. On 16 September 2020, the applicant was honorably released from the ARNGUS and assigned to the U. S. Army Reserve (USAR) Control Group (Annual Training) due to expiration of active status commitment in the Selected Reserve, such as at the end of 6-years of a 6X2 enlistment contract. NGB Form 22 shows the applicant completed 6-years of service.

q. On 20 September 2022, Orders Number D-09-221576, issued by the U. S. AHRC, the applicant was honorably discharged from the USAR effective 20 September 2022.

4. On 14 February 2025, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request for payment of his NPSEB. The advisory official recommended disapproval of his request. The applicant enlisted in the ARNG on 17 September 2014 with a bonus. A review of his records determined he was not eligible to receive the remaining payments of his NPSEB. The bonus incentive was terminated which the applicant acknowledged. The second and third installments were due on 17 September 2017 and 17 September 2019 respectively. He signed a ARNG SMP agreement and a Guaranteed Reserve Force Duty (GRFD) scholarship which terminated his NPSEB on the date he signed the GRFD.

5. On 18 February 2025, the Army Review Board Agency Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

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. Upon review of the applicant's petition, available military records and National Guard Bureau advisory opinion, the Board concurred with the advising official recommendation for disapproval of his request. The applicant enlisted in the ARNG on 17 September 2014 with a bonus. A review of his records determined he was not eligible to receive the remaining payments of his NPSEB. The bonus incentive was terminated which the applicant acknowledged. The second and third installments were due on 17 September 2017 and 17 September 2019 respectively.

2. The Board noted the applicant enlisted in the Army National Guard (ARNG) on 17 September 2014 under a 6-year contract with a \$12,500 NPSEB incentive. Per the terms outlined in NGB Form 600-7-1-R-E, the applicant was required to become fully qualified in an Army Military Occupational Specialty (MOS) within 24 months of enlistment and remain eligible through the third and fifth anniversary dates to receive the second and third bonus installments. Although the applicant completed initial training and received the first installment, he subsequently signed an ARNG Simultaneous Membership Program (SMP) agreement and a Guaranteed Reserve Force Duty (GRFD) scholarship contract on 31 October 2016. These actions terminated his eligibility for further NPSEB payments, as acknowledged in his records. Based on the totality of the evidence, the Board determined that the applicant was not eligible to receive the remaining NPSEB payments and found no error or injustice in the termination of the bonus. Therefore, relief is denied.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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, 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(l4)

- 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

//NOTHING FOLLOWS//