

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240006403

APPLICANT REQUESTS: reconsideration of his previous request to show correction of his service record to remove Special Separation Benefit (SSB).

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) letter

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20200007446 on 27 September 2021. The Board reviewed the guidance regarding the Voluntary Separation Incentive (VSI) and SSB and agreed with the advisory official's assessment that SSB is to be paid for involuntary separation, but the applicant was separated under a voluntary early transition program and therefore he was not qualified for SSB. Even if he were qualified, Soldiers who applied for this incentive were required to enter into a written agreement to serve in the Ready Reserve for a period of not less than 3-years in addition to any remaining military service obligation based in statute following the separation from active duty. There is no evidence he did so.

2. The applicant states because he was not eligible and did not receive SSB in the amount of \$17,513.28, he requests the correction of his service record to remove any mention that he was eligible or that he received it.

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

a. On 14 March 1984, the applicant enlisted in the Regular Army (RA) for a 3-year period. He had continuous service through reenlistments.

b. On or about 26 November 1991, the applicant's intermediate commander recommended approval for the applicant's request for Fiscal Year 1992 (SY 92) Early Transition from active duty.

c. DA Form 4187 (Personnel Action) shows on 2 December 1991, the applicant requested FY 92 Early Transition from active duty, and he was not entitled to separation pay since his request was voluntary. He also acknowledged this program did not entitle him to voluntary separation benefits.

d. DA Form 4187 shows on 3 February 1992, the applicant agreed to serve in the U.S. Army Reserve (USAR) for a period of not less than 3-years. If approved for voluntary separation under the Voluntary Separation Incentive (VSI) program, he agreed to remain in the Ready Reserve until the VSI payment period was completed. He elected to receive SSB.

e. On 18 March 1992, Orders Number 34-105, issued by Headquarters, I Corps and Fort Lewis Personnel Processing Branch, the applicant was assigned to the U.S. Army Transition Point effective 15 May 1992 for release from active duty. It also states the applicant was approved for SSB payment. The additional instructions stated Soldiers who receive VSI/SSB based on service in the armed forces, and subsequently qualify for retired or retainer pay shall have deducted an amount equal to the total amount of VSI/SSB pay not previously recouped. This amount will be recouped from each payment of retired or retainer pay until the total amount deducted is equal to the total amount of VSI/SSB received.

f. DA Form 3286-32-R-E (Addendum to Certificate and Acknowledgement of Service Requirement for Enlistment Under the Dual Component Enlistment Option) signed by the applicant on 13 April 1992 stated the applicant agreed to enlist in the USAR and he would be assigned to the USAR Control Group (Individual Ready Reserve (IRR)).

g. DA Form 4688/1-E (Certificate and Acknowledgement of Service Requirements for Individuals Enlisting or Reenlisting in the Individual Ready Reserve) signed by the applicant on 13 April 1992 stated in connection with his desire to enlist in the USAR Control Group (IRR) as a prior service member, he was not a current member of the USAR but this enlistment required he participate in the Ready Reserve for the entire period of service stipulated on the enlistment document.

h. DA Form 5691-R-E (Request for Reserve Component Assignment Orders) signed by the applicant on 13 April 1992, he voluntarily accepted an assignment in the USAR Control Group (IRR) for 3-years effective 16 May 1992.

i. On 15 May 1992, the applicant was honorably released from active duty and assigned to the USAR Control Group (IRR) for the FY 92 Enlisted Voluntary Early Transition Program. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 8-years, 2-months, and 2-days of active service. It also shows in item 18 (Remarks) stated the applicant was paid \$17,513.28 for SSB.

j. On 16 May 1992, the applicant enlisted in the USAR for a 3-year period of service and assigned to the USAR Control Group (IRR).

k. On 16 May 1995, Orders Number D-05-543151, issued by the USAR Personnel Center, the applicant was honorably discharged from the USAR, effective 16 May 1995.

4. The applicant provides VA letter dated 3 January 2024 which states the VA previously withheld a portion of his benefits based on his receipt of \$17,513.28 in SSB at the time of his separation from the RA as shown on his DD Form 214. The VA withheld \$14,302.51 after taxes during the period of 1 September 2017 through 1 December 2019. Since the ABCMR conceded no record existed, he was paid SSB and further established he was not eligible for SSB and was not assigned to the Ready Reserve. The VA refunded previously withheld monies for the recoupment of SSB.

5. On 10 December 2024, in the processing of this case, the Defense Finance and Accounting Service (DFAS) provided information regarding the applicant's request. The DFAS official stated the applicant was paid SSB in the amount of \$17,878.14. The applicant's Master Military Pay Account shows the applicant received a one time payment of entitlement in the amount of \$17,878.14. It also stated the applicant was paid \$15,559.67 in a separation pay adjustment. It goes on to state that on 15 May 1992 the applicant was paid \$17,878.14 for SSB.

6. On 1 April 2021, in the processing of ABCMR Docket Number AR20200007446, the Department of the Army G1 provided an advisory opinion regarding SSB. The advisory official stated their office supported the applicant's request for the correction of his military record to reflect non-payment of SSB. SSB is to be paid for involuntary separation; however, the applicant was voluntarily separated under a voluntary early transition program and therefore he was not qualified for SSB.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. According to his pay records, the Defense Finance and Accounting Service (DFAS) provided information regarding the applicant's request. The DFAS officials found the applicant was paid SSB in the amount of \$17,878.14 on 15 May 1992. The applicant's Master Military Pay Account shows he received a one time payment of entitlement in the amount of \$17,878.14. It also stated the applicant was paid \$15,559.67 in a separation pay adjustment. Therefore, the Board was not convinced by his argument and determined relief is not warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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 to amend the decision of the ABCMR set forth in Docket Number AR20200007446 on 27 September 2021.

12/20/2024

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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. Fiscal Year 1992 National Defense Authorization Act established two monetary incentive programs to assist in maximizing voluntary separation during the drawdown period of military forces. The VSI and the SSB.

2. Military Personnel Message 92-85, dated 7 January 1992, announced the implementation instructions for the enlisted voluntary incentive programs in support of the Army's drawdown.

a. Incentives were offered to separate Soldiers who under existing policies would have been allowed to continue on active duty until eligible for retirement. The VSI/SSB were offered to select members. Soldiers who met the eligibility criteria were required to enter into a written agreement to separate from active duty and accept an enlistment or transfer to the Ready Reserve.

b. Applications for separations under the provisions of the VSI/SSB did not guarantee approval. Only those applications that met the strict requirements established by Headquarters, Department of the Army (HODA), were approved. Category 3 requests applied to Soldiers who were in the grade of E-5 or above with 9 or more years of active service as of 31 December 1991 in selected military occupational specialties. The approval authority for this category was the Commander, U.S. Total Army Personnel Command (now known as the U.S. Army Human Resources Command).

c. This message stated that a Soldier must have served on active duty for more than 6-years prior to 5 December 1991, but less than 20-years at time of separation; served at least 5 years of continuous active duty immediately preceding the date of separation; completed initial period of enlistment; and was a member of the Regular Army or U.S. Army Reserve on extended active duty.

d. Soldiers approved for separation with a SSB would be paid a lump sum benefit equal to 15 percent of the basic monthly pay received on the date of the Soldier's separation, multiplied by 12 and multiplied again by the Soldier's years in service. Soldiers separating with a SSB would also be entitled to extended health benefits for 120-days and extended commissary and exchange benefits for 2-years after separation. Soldiers who applied for the SSB incentive were required to enter into a written agreement to serve in the Ready Reserve for a period of not less than 3-years in addition to any remaining military service obligation based in statute following the separation from active duty.

e. Soldiers separating under the VSI incentive received an annual annuity payment

equal to 2.5 percent of the Soldier's annual basic pay multiplied by his years of service and paid for twice the number of years served. Soldiers approved for VSI must have been appointed, enlisted, or transferred to the Ready Reserve for the entire period they received VSI annual payments.

3. Title 10 United States Code (USC), section 1174a (Special Separation Benefits), upon approval of the request of an eligible member, the member shall be released from active duty or discharged and may be entitled to a separation pay equal to 15 percent of the product of monthly basic pay to which the member is entitled at the time of discharge or release from active duty and the same benefits and service as are provided for members of the armed forces who are involuntarily separated. A member of the armed forces is eligible for voluntary separation if the member has not been approved for payment of a voluntary separation incentive section 1175, has served on active duty for more than 6-years but has served not more than 20-years; has served at least 5-years of continuous active duty immediately preceding the date of separation from active duty. (3) A member of the armed forces offered a voluntary separation incentive under section 1175 of this title shall also be offered the opportunity to request separation under a program established pursuant to this section. If the Secretary concerned approves a request for separation under such section, the member shall be separated under the authority of the section selected by such member.

4. Title 10 USC, section 1175a (Voluntary separation pay and benefits), member of the armed forces is eligible for voluntary separation pay and benefits if the member:

- has served on active duty for more than 6-years but not more than 20-years;
- has served at least 5-years of continuous active duty immediately preceding the date of the member's separation from active duty;
- has not been approved for payment of a voluntary separation incentive;
- requests separation from active duty

5. Fiscal Year 1992 Enlisted Voluntary Early Transition Program provided for the voluntary release from active duty for specific categories of Soldiers with monetary incentives authorized. One of these incentives was a SSB, a lump sum payment equal to 15 percent of the Soldier's basic monthly pay, multiplied by 12 and multiplied again by the Soldier's years of service.

//NOTHING FOLLOWS//