

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 March 2025

DOCKET NUMBER: AR20240006703

APPLICANT REQUESTS: payment of enlistment bonus incentive

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty),
16 April 1988
- Orders Number D-11-598439, 14 November 1989

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 in pertinent part that after enlisting in the U.S. Army Reserve (USAR) she never received her bonus incentive. She contests that while serving in the USAR she was sexually assaulted. She advised her leadership that she no longer desired to remain in her assigned unit and was advised that she would be dishonorably discharged. She notes that for years she thought that this occurred and has felt guilty, ashamed and embarrassed ever since because prior to the incident, she was a good Soldier. Receipt of her enlistment bonus incentive is only fair.
3. A review of the applicant's available service records reflects the following:
 - a. On 12 November 1987, the applicant enlisted in the USAR for 8 years to serve as a 71L (Administrative Specialist) with entitlement to the New G.I. Bill and the Student Loan Repayment Program incentives.
 - b. On 16 April 1988, the applicant completed Initial Active-Duty Training and was subsequently awarded the 71L Military Occupational Specialty.

c. On 27 November 1989, Headquarters, 108th Division (Training) issued Orders Number 75-2 reassigning the applicant to the USAR Control Group (Annual Training) due to her unsatisfactory participation effective 27 November 1989.

d. On 14 November 1995, U.S. Army Reserve Personnel Center issued Orders Number D-11-598439 announcing the applicant's honorable discharge from the USAR effective 14 November 1995.

4. The applicant did not provide nor does review of her available service records reflect entitlement to any additional bonus incentives under the Selected Reserve Incentive Program to include the Non-Prior Service Enlistment Bonus. The applicant's service records are void of a DA Form 5261-R (Selected Reserve Incentive Program-Enlistment Bonus Addendum).

5. On 24 February 2025, the Criminal Investigation Division advised a search of the Army criminal file indexes, utilizing the information for the applicant revealed no sexual assault, adultery records existed involving the applicant.

6. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

7. MEDICAL REIVEW:

a. The applicant is applying to the ABCMR requesting payment of an enlistment bonus incentive. She contends she experienced miliary sexual trauma (MST), which is related to her request. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted on 12 November 1987 in the USAR; 2) On 27 November 1989, Headquarters, 108th Division (Training) issued Orders Number 75-2 reassigning the applicant to the USAR Control Group (Annual Training) due to her unsatisfactory participation effective 27 November 1989; 3) On 14 November 1995, U.S. Army Reserve Personnel Center issued Orders Number D-11-598439 announcing the applicant's honorable discharge from the USAR effective 14 November 1995.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service records. The VA's Joint Legacy Viewer (JLV) was also examined.

c. The applicant asserts she was exposed to MST while on active service, which is related to her request for payment of an enlistment bonus. There is insufficient evidence

the applicant reported any mental health symptoms or was diagnosed with a mental health condition while on active service.

d. A review of JLV provided insufficient evidence the applicant reported or has been diagnosed with a mental health condition by the VA, and she does not receive any service-connected disability.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a condition or experience that is related to her request for an enlistment bonus.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus.

(3) Does the condition experience actually excuse or mitigate the discharge? No, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus. While the applicant's contention of MST alone is sufficient for the Board's consideration, there is insufficient evidence to support the applicant had a condition or experience that is related to her request for an enlistment bonus.

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 and available military records, the Board concurred with the advising opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a condition or experience that is related to her request for an enlistment bonus. The Board acknowledged the applicant's contentions that she was sexually assaulted while serving, which led to her request for reassignment and subsequent belief that she had been dishonorably discharged. Asserting that she was a good Soldier prior to the incident and that receipt of her enlistment bonus would be fair.

2. The Board recognized the applicant's emotional distress and the sincerity of her statement; however, a review of her official service records reveals no documentation of entitlement to a Non-Prior Service Enlistment Bonus or any other bonus under the Selected Reserve Incentive Program. Specifically, her records are void of a DA Form 5261-R, which is required to establish bonus eligibility. Furthermore, the applicant's discharge was honorable, and there is no evidence in the criminal file indexes to support the claim of sexual assault. The Board found, in light of the absence of substantiating documentation and the regulatory requirements governing bonus eligibility, there is no basis for relief and denied the applicant's request for payment of the enlistment bonus incentive.

3. Consideration was given to the Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus.

(3) Does the condition experience actually excuse or mitigate the discharge? No, the applicant asserts she experienced MST while on active service which is related to her request for her enlistment bonus. While the applicant's contention of MST alone is sufficient for the Board's consideration, there is insufficient evidence to support the applicant had a condition or experience that is related to her request for an enlistment bonus.

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. Army Regulation 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 135-7 (Incentive Programs) establishes a single reference for incentives authorized within the Army National Guard and the Army Reserve. Chapter 2 (Selected Reserve Incentive Program – Non-Prior Service Enlistment Bonus (NPSEB)) provides that the NPSEB is a \$2,000.00 cash bonus to an eligible Soldier who enlists in the Selected Reserve in a bonus skill authorized by Headquarters Department of the Army. To be eligible for this incentive, Soldiers must enlist in the USAR for a term of 8 years, of which 6 years must be served in the Selected Reserve. The remaining portion may be served in the IRR. Qualified Soldiers must complete a DA Form 5261-R (Selected Reserve Incentive Program-Enlistment Bonus Addendum) as part of the enlistment agreement.

a. Paragraph 2-6 (Termination) provides that bonus entitlement will stop if a Soldier becomes an unsatisfactory participant. The termination date will be the date the Soldier attained his/her 9th unexcused absence.

b. Paragraph 2-8 (Recoupment Conditions) provides that recoupment of bonus payments will be started by the unit commander when entitlement to such incentive is terminated due to unsatisfactory participation.

//NOTHING FOLLOWS//