

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240006750

APPLICANT REQUESTS: payment of the third and final installment of 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)
- NPSEB Addendum
- Discharge Orders
- National Guard Bureau (NGB) Form 22 (National Guard Report of Separation and Record of Service)
- NGB notification memo

FACTS:

1. The applicant states, in part, that he received a memorandum from the NGB advising him that he may not have received the full amount of an incentive he was due. The applicant states he was paid the first two installments of his NPSEB but did not receive the third installment. If he understands correctly, he should be paid the third installment if he is considered to have completed the full term of service specified in his enlistment contract.

2. On 6 August 2013, the applicant enlisted in the Alabama Army National Guard (ALARNG) for 6 years.

3. In conjunction with his enlistment, he signed an NPSEB Addendum in which he agreed to serve in a critical military occupational specialty (35F, Intelligence Analyst) in a valid unit vacancy. He contracted for a \$15,000 bonus that was to be paid in three installments: the first 50% upon completion of Advanced Individual Training (AIT), the second 25% payment upon the third year anniversary of his date of enlistment, and the third and final 25% payment on the fifth year anniversary of his enlistment. Section VI (Termination), paragraph 4c, of the NPSEB Addendum further stated the incentive

would be terminated without recoupment if the applicant served at least one day past his contract start date and became either a simultaneous member of an authorized officer commissioning program or accepted an immediate commission/appointment as an officer/warrant officer. The effective date of termination is the Simultaneous Membership Program college start date of the enlisted discharge date.

4. The applicant completed the 18-week AIT for military occupational specialty 35F in 2014.

5. On 7 July 2017, Joint Force Headquarters, Alabama National Guard, published Orders 188-509, which discharged the applicant from the ARNG and as a reserve of the Army effective 27 June 2017. The orders show the reason for the discharge was enlistment or appointment in any regular component.

6. The applicant's NGB Form 22 confirms he was honorably discharged on 27 June 2017 after completing 3 years, 10 months, and 22 days of service. The NGB Form 22 shows the reason for his discharge as "discharge for enlistment in another component of the U.S. Armed Forces."

7. On 14 March 2024, the NGB notified the applicant that a recent review of his record in the Guard Incentive Management System (GIMS) determined he may not have received an incentive in its entirety and advised him to submit an application to this Board.

8. On 26 November 2024 during the processing of this case, an Education Services Officer, ALARNG, Joint Force Headquarters, provided an advisory opinion recommendation disapproval of the applicant's request.

a. The advisory official noted the applicant was granted a conditional release into the Active Component to attend Officer Candidate School on 27 June 2017. He was later appointed as a second lieutenant and was discharged from enlisted service on 28 September 2017.

b. The final installment of the applicant's bonus contract was due on 6 August 2018. Due to his discharge and appointment as an officer prior to that date, he was not eligible to receive the final installment of the incentive, which required termination without recoupment effective on his enlisted discharge date under the provision of Section VI, paragraph 4c, of this NPSEB Annex.

9. The applicant was provided a copy of the advisory opinion for his review and comment. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found 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 the Alabama Army National Guard – Education Services Officer advisory opinion, the Board concurred with the advising official recommendation for denial finding the applicant was granted a conditional release into the Active Component to attend Officer Candidate School on 27 June 2017. He was later appointed as a second lieutenant and was discharged from enlisted service on 28 September 2017. Additionally, the opine noted the applicant is not eligible to receive the final installment bonus based on his contract section VI-Termination 4(c) stating his bonus requires termination without recoupment effective discharge date.

2. Furthermore, the Board determined in accordance with Section VI, paragraph 4c, of the NPSEB Addendum, the incentive is terminated without recoupment when a Soldier accepts an officer appointment prior to the final installment eligibility date. The Board agreed based on the advisory opine, the applicant's discharge and commissioning rendered him ineligible for the final installment. The Board found no error or injustice in the administration of the bonus contract and therefore denied relief.

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:

Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement stating the member has been advised of, and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.

//NOTHING FOLLOWS//