

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240006878

APPLICANT REQUESTS: in effect, remission or cancellation of her Non-Prior Service Enlistment Bonus (NPSEB) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's self-written statement, wherein, she states that she is requesting correction of her records to show repayment of her NPSEB was cancelled based on her circumstances
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 14 February 2019, showing she enlisted in the Army National Guard (ARNG) on 14 February 2019
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 - Non-Prior Service Bonus Addendum ARNG of the United States), 14 February 2019, which shows she enlisted for a \$20,000.00 NPSEB and the bonus would be paid in three installments
- DD Form 1966 (Record of Military Processing – Armed Forces of the United States) page 3, 14 February 2019, showing she enlisted with a NPSEB option
- DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 21 September 2019, which shows she entered active duty on 8 May 2019 and was released and transferred to her ARNG unit on 21 September 2019; item 11 (Primary Specialty) shows 12N1O (Horizontal Construction Engineer)

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 part:

- She is requesting a correction to her records regarding the repayment of a debt due to failing two consecutive Physical Training (PT) tests

- The repayment is unfair because it does not take into account the extraordinary circumstances she faced at the time
- She was a full-time college student, working full-time, and supporting another person
- These overwhelming responsibilities left her with limited time and energy to prepare adequately for the PT tests
- Despite her best efforts to meet all her obligations, the significant stress and pressure she was under affected her physical readiness
- She is asking for understanding and compassion for the hardships she endured and requests that this financial burden be reconsidered and adjusted accordingly

3. A review of the applicant's military service records show:

- She enlisted in the Rhode Island Army National Guard (RIARNG) for 6 years on 14 February 2019; in connection with her RIARNG enlistment, the applicant signed and completed NGB Form 600-7-1-R-E, which states in pertinent part:
 - She was enlisting for 6 years and would receive a total bonus in the amount of \$20,000.00 less taxes in Military Occupational Specialty (MOS) 12N; the bonus would be paid in three installments:
 - the first 50 percent payment will be processed upon the effective date of becoming Duty MOS Qualified (DMOSQ) within 24 months of the contract start date
 - she was assigned to the same MOS and Unit Identification Code (UIC) for which enlisted and (unless change of MOS and/or UIC was due to convenience of the government) upon verification of qualification in the Guard Incentive Management System (GIMS)
 - the second 25 percent payment will be processed on the third-year anniversary of the enlistment date
 - and the final 25 percent payment will be processed on the fifth-year anniversary of the enlistment date and upon verification of qualification in GIMS
- Section VI (Termination) states, the applicant may be terminated from incentive eligibility with recoupment for having two consecutive record Army Physical Fitness Test (APFT) failures during the period of the service obligation; the effective date of termination is the date of the second "Record" APFT failure
- On 3 October 2019, Orders Number 276-014 awarded the applicant MOS 12N10, effective 21 September 2019
- DA Form 705 (APFT Scorecard) shows the applicant failed a record APFT on 11 September and 8 November 2020

- On 14 May 2021, DA Form 4856 (Developmental Counseling Form) shows the applicant was counseled for failing two APFTs and termination with recoupment of her enlistment bonus in the amount of \$20,000.00;
- the counseling states \$4,444.44 would be recouped and once the applicant received her first leave and earnings statement of recoupment, she will contact her Readiness Noncommissioned Officer to help set up a payment plan with MILPAY; the applicant agreed
- She is currently serving in the RIARNG

4. On 13 March 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion for this case and recommended the applicant's request be denied. The NGB advisory states:

a. The applicant enlisted in the RIARNG with a \$20,000.00 MOS Qualified bonus for 14 February 2019 to 13 February 2025. Bonus was established in GIMS with eligibility dates of payment to be 22 September 2019, 14 February 2022 and 14 February 2024 for \$10,000.00; \$5,000.00 and \$5,000.00 respectively. The applicant received the first \$10,000.00 payment. Incentive was terminated effective 8 November 2020 and \$4,444.44 is currently being recouped. She is requesting a remittance of debt because of the financial hardship.

b. After review of the applicant's records, she failed two consecutive APFTs that caused her bonus to be terminated effective the date of the second consecutive failure, 8 November 2020. In accordance with (IAW) the applicant's bonus addendum section VI paragraph 1i the termination will be with recoupment signed by the applicant 14 February 2019. The applicant received a termination counseling 14 May 2021 and was notified there would be a recoupment and to set up a payment plan through her Readiness NCO and Defense Finance and Accounting Service.

c. It is the recommendation of this office that the applicant's request be denied. Her incentive was terminated effective the date of the second consecutive APFT failure IAW section VI paragraph 1i of the bonus addendum. The recoupment is from overpayment past the date of termination. The applicant has not passed an APFT or Army Combat Fitness Test since bonus termination and recoupment of \$4,444.44 should be collected. This advisory opinion was coordinated with the Rhode Island Army National Guard.

5. On 14 March 2025, the applicant was provided with a copy of the NGB advisory opinion to allow for comments or rebuttal. She did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations outlined in the NGB advisory opinion, and the lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military pay record.

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.

//SIGNED//

X

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. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures) 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 and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive to the member.
3. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. In accordance with the authority of Title 10, U.S. Code (USC), section 7837 and/or Title 32, USC, section 710(c), the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States.
4. Title 10, USC, section 7837 (Settlement of accounts: remission or cancellation of indebtedness of members) states, the Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Army, whether as a Regular or a Reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.

//NOTHING FOLLOWS//