

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 March 2025

DOCKET NUMBER: AR20240007252

APPLICANT REQUESTS: Exception to Policy (ETP) to be paid the remainder of her Reenlistment Bonus (REB).

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) for service ending 16 July 2009
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 14 May 2014
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum Army National Guard of the United States (ARNG) which shows she was entitled to a \$10,000.00 REB for a six year extension
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings
- U.S. Army Physical Disability Agency Orders Number D 219-13

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 essentially, she requests an ETP to retain her REB.

- REB Control Number is R14050200OK
- She received a letter notifying her of potential entitlement to benefits

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

- On 27 August 2008, the applicant enlisted in the CAARNG
- On 24 February 2009, she was ordered to active duty for training

- On 16 July 2009, she was honorably after completion of 4-months and 23-days of active service and awarded Military Occupational Specialty (MOS) 31B (Military Police)
- On 26 March 2014, she transferred to the OKARNG
- On 14 May 2014, she extended in the OKARNG for 6-years, her current Expiration Term of Service (ETS) was 26 August 2014; in conjunction with this extension NGB Form 600-7-3-R-E was completed which stated:
 - Reenlisted as duty MOS qualified in the MOS 31B
 - Bonus was for \$10,000.00 to be paid in two installments, first 50 percent the day after her current ETS and the second 50 percent on her fourth year anniversary
 - Bonus will be terminated with recoupment if she:
 - Voluntarily changed her MOS, effective date of her transferred
 - Separated from the ARNG due to death, injury, illness or other impairment as a result of misconduct, effective date of separation
 - Voluntarily transfer out of her current REB MOS unless authorized in the addendum, effective date of transfer
- On 4 December 2014, she transferred to the CAARNG by Orders Number 344-002, dated 10 December 2014
- On 19 January 2017, she was reassigned to the 746th Combat Sustainment Support Battalion in MOS 88N (Transportation Management Coordinator) which she was not qualified by Orders Number 20-1014 dated 20 January 2017
- On 15 August 2018, she was reassigned to the 40th Infantry Division in MOS 31B which she was qualified by Orders Number 222-1015 dated 10 August 2018
- On 17 July 2019, the informal PEB found the applicant physically unfit for retention due to post-traumatic stress disorder and left ankle impingement/tendonitis with 80 percent disability
- On 11 September 2019, she was placed on the permanent disability retired list with 80 percent disability by Orders Number D 219-13 dated 7 August 2019

4. On 21 March 2025, in processing of this case, the NGB, provided an advisory opinion regarding the applicant's request to retain her REB. The advisory official recommended partial relief of her request. On 14 May 2014, she reenlisted for 6-years with a \$10,000.00 REB in MOS 31B. Her first installment was to be 50 percent paid the day after her ETS of 26 August 2014. She reenlisted with the OKARNG but transferred to the CAARNG on 4 December 2014. On 20 January 2017, she transferred out of her REB MOS 31B to 88M which caused her REB to be terminated with the recoupment of \$4,583.33. However, the dollar amount recouped from her initial bonus payment does not properly reflect her valid time from start of the contract on 27 August 2014 until the termination date 20 January 2017. The time frame calculated suggests

\$972.22 should have been recouped and therefore \$3,611.11 should be reimbursed to the applicant. The contract should also remain terminated and the second bonus payment should remain cancelled.

5. On 25 March 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was 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 facts submitted by the applicant, the Board concluded there was sufficient evidence to reimburse the applicant \$3,611.11 from the previously recouped monies from her reenlistment bonus.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reimbursing the applicant \$3,611.11 from the previously recouped monies from her reenlistment bonus.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other relief not mentioned above.

//SIGNED//

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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. 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 (NGR) 600-7 (Selective Reserve Incentive Programs) in effect at the time, prescribes policies and procedures for the administration of the ARNGUS incentive programs.

a. Paragraph 1-11 (Personnel movement between ARNG units) c. Soldiers enlisted after 1 October 1996, who voluntarily transfer within the State or Interstate transfer for reasons other than in paragraph 1-11 a, will be governed by the following: (1) Soldiers who contracted for a bonus must transfer into the same MOS in order to retain their bonus or eligibility will be terminated with recoupment. (2) Soldiers who transfer out of a unit and MOS identified for bonus into another unit and MOS identified for bonus will retain their bonus eligibility but will be suspended from payments until they become qualified in and awarded the MOS for their position. They are allowed 24-months to become qualified or their bonus will be terminated with recoupment.

b. Paragraph 1-13 (Obligation), an enlisted Soldier must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.

c. Paragraph 1-20 (Termination), a. A Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation applies. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. b. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. c. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive.

d. Paragraph 3-10 (Termination with recoupment), terminate entitlement and eligibility for the Reenlistment Bonus when one of the conditions listed below occurs. Compute the Soldier's entitlements and recoup from, or pay to, the Soldier amounts due. Provide the termination notice and amount due, if any, when the Soldier:

- Voluntarily transfers to a non-bonus unit as of the effective date of transfer
- Does not become qualified in and awarded as primary the MOS for their position within 24-months after a voluntary transfer into another MOS effective to the date of transfer from the contracted MOS
- Separates from the ARNG for any reason, unless due to death, injury, illness, or other impairment not the result of own misconduct effective on the date of separation

3. Title 37 USC, section 331 (General bonus authority for enlisted members), (a) The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who:

- enlists in an armed force
- enlists in or affiliates with a reserve component of an armed force
- reenlists, voluntarily extends an enlistment, or otherwise agrees to serve for a specified period in a designated career field, skill, or unit of an armed force
- under other conditions of service in an armed force

(g) (Repayment), a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

//NOTHING FOLLOWS//