

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240007265

APPLICANT REQUESTS: payment of Warrant Officer Accession Bonus (WOAB).

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

- DD Form 149 (Application for Correction of Military Record)
- Written Agreement Officer/Warrant Officer Accession Bonus (OAB), 6 September 2012:
 - he agreed to serve in a valid Critical Skill (CS) Selected Reserve (SELRES) Area of Concentration (AOC) /Military Occupational Specialty (MOS): 250N (Network Operations Warrant Officer)
 - he agreed to serve in an active drilling status for a period not less than six years and serve the complete time in CS AOC/MOS in which commissioned
 - he acknowledged that he will be paid an accession bonus on the acceptance date of the agreement for the total amount of \$10,000.00 less taxes paid in one lump sum upon completion of Warrant Officer Basic Course (WOBC) and qualification in his CS MOS
 - he understood the conditions in which he would continue to receive his incentive payment
 - he understood his eligibility to receive his incentive bonus may be suspended if he is flagged and terminated when any termination reason applies per Army Regulation (AR) 601-210 before the fulfillment of the service
 - he acknowledged he understood the reasons the bonus may be terminated and recouped and without recoupment
 - he understood the bonus is repaid if he failed to commence or complete the period of obligated service specified in his agreement and the method of computation of amount to be recouped
- DA Form 71 (Oath of Office Military Personnel), 22 September 2012, he executed an oath of office and was appointed as a Reserve Warrant Officer
- DA Form 4836 (Oath of Extension of Reenlistment or Reenlistment),

22 November 2011, extended his service in the Massachusetts Army National Guard (MAARNG) for 1-year; new Expiration Term of Service (ETS) date of 2 May 2013

- National Guard bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant entered service this period on 22 September 2012 and was honorably released from the MAARNG on 18 April 2023
- Special Orders Number 152, 28 April 2013, transferred him to U.S. Army Reserve (USAR) and withdrew his Federal recognition, effective 19 April 2023
- Memorandum, Subject: Notification of Potential Entitlement to Incentive Payment, 14 March 2024, informed the applicant that he may be entitled to unpaid funds from a bonus incentive under bonus control number O12090001MA

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 effect:

- the NGB notified him by letter of potential unpaid accession bonus prior to his separation
- he was directed to submit an incentive claim packet to the ABCMR to request payment

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

- On 16 March 2012 – Orders Number 076-062 appointed him as a Warrant Officer Candidate
- On 6 September 2012, he completed and signed a Written Agreement – Officer/WOAB which states, in pertinent part:
 - he acknowledged he meet the eligibility criteria for the accession bonus
 - he agreed to serve in a valid CS SELRES MOS: 250N
 - the acknowledged he was being commissioned into the ARNG for the WOAB in Tier Level 1 and shall receive a total bonus amount of \$10,000.00 less taxes paid in one lump sum that will be processed upon completion of WOBC and verification of his MOS
 - he understood the conditions in which he would continue to receive his incentive payment

- he understood his eligibility to receive his incentive bonus may be suspended if he is flagged and terminated when any termination reason applies per AR 601-210 before the fulfillment of the service
 - he acknowledged he understood the reasons the bonus may be terminated and recouped and without recoupment
 - he understood the bonus is repaid if he failed to commence or complete the period of obligated service specified in his agreement and the method of computation of amount to be recouped
- NGB Form 22 shows the applicant having had prior enlisted service enlisted in the MAARNG on 3 May 2011 and was honorably released from the MAARNG on 21 September 2012 to accept an appointment as a commissioned or warrant officer
 - DA Form 71 dated 22 September 2012, he executed an oath of office and was appointed as a Reserve Warrant Officer
 - NGB Form 337 (Oath of Office) dated 22 September 2012 shows he was granted temporary federal recognition in the grade Warrant Officer One (WO1)
 - Special Orders Number 57 dated 22 February 2013 shows he was granted Federal recognition for his initial appointment in the MAARNG, effective 22 September 2012
 - DA Form 1059 (Service School Academic Evaluation Report), dated 30 October 2015, the applicant completed the Network Management Technician Course
 - On 5 November 2015, Orders Number 309-021 awarded the applicant MOS 255N0, effective 30 October 2015
 - NGB Form 22 shows on 18 April 2023, he was honorably released from the MAARNG

4. On 13 March 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion which stated:

a. After review of the applicant's record, he received the \$10,000.00 payment in April 2016 after an approved exception to policy for not completing training within 24 months to gain the contracted Area of Concentration (AOC). The incentive was terminated effective 13 October 2015 and \$5,000.00 was recouped for unauthorized MOS change. The applicant's record contained a branch order assigning the 255N AOC effective 30 October 2015. The incentive was erroneously terminated at this point as per Department of the Army Pamphlet 611-21, 250N, the contracted AOC was transitioned to the 255N AOC. The incentive should have been terminated effective 1 November 2017 when the applicant changed assignments to a 011A slot in accordance with his bonus addendum paragraph 4k. The difference in effective termination dates is 12 months. The applicant is owed \$1,666.67 for the difference.

b. It is the recommendation of this office that the applicant's request be partially approved. The applicant met the requirements per his bonus addendum until his change of assignment to 011A slot. The bonus was erroneously terminated on 13 October 2015 instead of 1 November 2017. \$5,000.00 was recouped and the applicant is owed 1,666.67 from his contract to account for the difference in termination dates.

5. On 14 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. On 17 March 2025, the applicant submitted a response to the advisory, stating he disagreed with the NGB advisory opinion recommendation, and he is owed \$3,333.33 not \$1,666.67 of his accession bonus because:

- the OAB was for a six-year contract from 22 September 2012 to 21 September 2018 for MOS 250N
- The OAB was erroneously terminated on 13 October 2015 and \$5,000.00 was recouped when MOS 250N transitioned to MOS 255N
- the OAB should have been terminated on 1 November 2017 when he changed assignments from MOS 255N to a 011 A slot - this is a 24-month difference in effective termination dates (October 2015 vs November 2017)
- therefore, he is owed \$3,333.33 from his contract to account for the difference in termination dates

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the evidence of record shows the applicant was appointed as a Reserve Warrant Officer on 22 September 2012. On 30 October 2015, the applicant completed the Network Management Technician Course and was awarded MOS 255N0. The Board reviewed and concurred with the NGB advising official noting the applicant's record contained a branch order assigning the 255N AOC effective 30 October 2015. The incentive was erroneously terminated at this point as per Department of the Army Pamphlet 611-21, 250N, the contracted AOC was transitioned to the 255N AOC. The incentive should have been terminated effective 1 November 2017 when the applicant changed assignments to a 011A slot in accordance with his bonus addendum paragraph 4k. The difference in effective termination dates is 12 months. The applicant is owed \$1,666.67 for the difference. Therefore, the Board granted partial relief.

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 and Army National Guard records of the individual concerned be corrected by paying the eligible incentive in the amount of \$1,666.67, in accordance with the applicant's WOAB agreement.

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 payment of Warrant Officer Accession Bonus (WOAB) in the amount on \$3,333.33.

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 601-210 (Regular Army and Reserve Components Enlistment Program) prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA), the U.S. Army Reserve (USAR), and the ARNG. Paragraph 10-15 (Selected Reserve Incentive Program – officer accession bonus and officer affiliation bonus), a. Officer accession bonus. The OAB applies to newly appointed commissioned and warrant officers (2LT or WO1) who agree to serve in a Selected Reserve unit of the component in which appointed. DA Form 5261–7 (Selected Reserve Incentive Program - Officer Accession Bonus) will be completed on individuals who qualify for and agree to receive the OAB. To be eligible for the bonus individual must:

- agree to accept an appointment as an officer in the ARNG or USAR and serve in a designated critical AOC/MOS in a Selected Reserve unit of the component in which appointed, for a period of not less than 6-years from date of appointment
- not be accepting an appointment as an officer serving in the Selected Reserve for the purpose of qualifying for a military technician position where membership in an RC is a condition of employment or be accepting an appointment to fulfill either an Active Guard Reserve position or an assignment as an individual mobilization augmentee
- possess an AOC/MOS designated by the Secretary of the Army for bonus entitlement, or agree to accomplish the necessary training prescribed by the Secretary of the Army to achieve the designated critical area of concentration/MOS
- not currently receiving financial assistance or special pay, and not receive such assistance or serve any related service obligation during the period of this agreement
- fill a critical skill in the Selected Reserve. ARNG and USAR will forward a critical skills list with justification for payment of the OAB to DCS, G–1, on a semi-annual basis for approval as part of their SRIP
- successfully complete an officer basic course or warrant officer basic course in his or her designated AOC/MOS within 36 months of the date of appointment

3. Department of Defense Instruction (DODI) 1205.21 (Reserve Component Incentive Programs Procedures) prescribes procedures for incentive programs. Section 6.2 (Written Agreements) states, in part, as a condition of the receipt of an incentive covered by this instruction, each recipient shall be required 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 advance payments may be recouped. That agreement shall clearly specify the terms of the Reserve service commitment that authorizes the payment of the incentive to the member.

4. Department of Defense Instruction (DoDI) 1304.34 (General Bonus Authority for Officers), establishes policy, assigns responsibilities, and prescribes procedures for the payment of a bonus, in accordance with Section 332 of Title 37, USC, to persons,

members, or officers. Paragraph 3.2b (Additional Accession Bonus Eligibility Requirements), in addition to meeting the minimum eligibility requirements listed in Paragraph 3.1.b., an eligible person must:

- meet the qualification standards listed in DODI 1304.26 for a commission or Appointment
- be an initial recipient of a commission or appointment in a Regular or Reserve Component
- have completed all previous service obligations incurred as a result of receiving a bonus or special pay while serving as an enlisted Service member or Reserve Officer Training Course cadet or midshipman have not received:
 - pre-commissioning compensation
 - financial assistance through a loan repayment program
 - an accession bonus
 - accept a service obligation on active duty or in the SELRES for at least 4 years.

5. The ARNG SRIP Policy for Fiscal Year 2012 (Policy Number 12-01), dated 17 April 2012 states to receive the OAB the officer/Soldier must serve satisfactorily in the contracted AOC or MOS for the full term of the agreement and be accessed into a valid CS vacancy in an AOC/MOS that matches the authorized military grade and skill qualification commensurate with the position into which being commissioned.

//NOTHING FOLLOWS//