

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240007274

APPLICANT REQUESTS: in effect, payment of the appropriate amount/entitlement of his Reenlistment/Extension Bonus (REB) dated 7 June 2009.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 7 June 2009, which he extended in the Michigan Army National Guard (MIARNG) for 6 years
- 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 (ARNG) of the United States), page 1 and 2, 7 June 2009, showing he extended for the REB incentive
- DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 30 September 2014, which shows he entered active duty on 13 October 2013 and was released from active duty on 30 September 2014

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 he received a letter in the mail stating to submit his incentive packet for review and consideration. He is unsure a review of his bonus from an extension should be conducted based on the Notification of Potential Entitlement to Incentives that he received.
3. A review of the applicant's military service record shows:
 - He enlisted in the Michigan Army National Guard (MIARNG) on 3 March 2004
 - DD Form 214 shows he enter active duty on 5 October 2004 and was released from active duty training and transferred to the MIARNG; in item 11 (Primary Specialty) shows Military Occupational Specialty (MOS) 21B10 (Combat Engineer)

- On 7 June 2009, DA Form 4836 shows he extended his MIARNG enlistment for a period of 6 years and lists his current expiration term of service as 2 March 2010
- In connection with the extension, he completed and signed NGB Form 600-7-3-R-E, which states in pertinent part:
 - He will receive a total bonus payment in the amount of \$5,000.00 for a 6-year reenlistment/extension in Modified Table of Organization and Equipment (MTOE)/AVCRAD/RTI/SF or Medical Table of Distribution Allowance unit
 - His bonus will be paid in three installments:
 - First 50 percent installment will be processed on the date his reenlistment contract takes effect
 - Second 20 percent installment will be processed on the third-year anniversary date of his contractual agreement
 - Third and final 30 percent installment will be processed on the sixth-year anniversary date of his contractual agreement
 - Section V (Termination) paragraph 2k shows he acknowledged that he understood he may be terminated from bonus eligibility with recoupment for two consecutive record Army Physical Fitness Test (APFT) failures or two consecutive failures to meet body fat standards
- On 25 October 2013, the NGB, Deputy G1, ARNG, notified the MIARNG State Incentive Manager that the applicant's request for Exception to Policy (ETP) to retain the \$5,000.00 REB was approved;
 - however, the ETP request was only approved for the discrepancy(ies) of his contract/bonus addendum containing signature dates that were not the same from the applicant, witnessing official and service representative, which violated ARNG Selected Reserve Incentive Program (SRIP) Number 07-06 Updated (1 March 2009 to 15 June 2010)
- On 13 October 2013, DD Form 214 shows he entered active duty and was released from active duty and transferred to his MIARNG unit on 30 September 2014
- DA Forms 4836 show the applicant extended on 3 November 2015, 31 August 2016, and 10 July 2017
- On 29 December 2017, the MIARNG Incentive Manager notified the applicant that the Education and Incentives Office of the MIARNG had identified discrepancies in his incentive contract that terminate his eligibility for continued receipt of his incentive;

- this discrepancy was a result of his failure to adhere to the eligibility requirements outlined in the Selected Reserve Incentives Policy in effect at the time he contracted for the incentive; the information regarding the discrepancy was as follows:
 - Incentive Type: Reenlistment Bonus
 - Discrepancy and Effective Date of Termination: Consecutive APFT Failure, 3 October 2014
 - SRIP Reference for Termination: Policy Number 07-06, 14(I)
 - Authority of Establishing Debt: Title 31, U.S. Code, section 3702
 - Amount to be Paid to You [Applicant]: \$319.44
- On 5 January 2018, the applicant acknowledged he received the MIARNG Incentive Manager correspondence and understood and accepted termination with recoupment of his incentive
- The applicant is currently serving in the rank/grade of sergeant first class/E-7 in the MIARNG

4. On 13 March 2025, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended disapproval. The NGB advisory official stated:

a. The applicant states that a review of his bonus from an extension should be conducted based on the notification of potential entitlement to Incentives that he received.

b. The applicant enlisted in the MIARNG with a \$5,000.00 Military Occupational Specialty Qualifying (MOSQ) bonus for a six-year reenlistment/extension (2009-2015) in a MTOE or Medical TDA unit. The bonus was established in the Guard Incentive Management System (GIMS) with a payment schedule to receive the first 50 percent on the day of contract taking effect. The second installment of 20 percent would be processed on the third-year anniversary date of the contract agreement. The third and final 30 percent installment would be processed on the sixth-year anniversary date of the contract agreement.

c. In accordance with the MIARNG memorandum dated 29 December 2017, it was determined that there were discrepancies in the applicant's incentive contract to include a violation of SRIP Policy Number 07-06, 14(I) as well as Section V(k) of his Bonus addendum that terminated his eligibility for continued receipt of his incentive. The reason noted for the termination is two (2) consecutive APFT failures in 2014.

d. Upon a search of the applicant's GIMS it was determined that the applicant was paid for 55 months of his contract up until his contract was terminated on 3 October

2014 and therefore, no money is owed to the applicant. The MIARNG concurs with this opinion.

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

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 recommendation 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:

<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.

//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. National Guard Bureau Memorandum – Subject: Army National Guard Selected Reserve Incentive Program Guidance for Fiscal Year 2007, 2008, and 2009, 10 August 2007 – 30 September 2009 (Policy Number 07-06), updated 17 February 2009, states in paragraph 14 (Termination with Recoupment), if entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the member's written agreement, that member shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. Paragraph 14(l) provides that a member's incentive may be terminated with recoupment for having two consecutive record APFT Failures or two consecutive failures to meet body fat standards.

//NOTHING FOLLOWS//