

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240007281

APPLICANT REQUESTS: exception to policy (ETP) to retain his Reenlistment Bonus (REB).

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)
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD form 4 or DA Form 4836 Reenlistment/Extension Decentralized State Incentive Pilot Program Addendum Army National Guard of the United States (ARNGUS))
- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 16 November 2011
- Minnesota Army National Guard (MNARNG) Orders Number 4786829

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, he received a letter which informed him he may be due his REB.
3. A review of the applicant's service record shows:
 - on 25 May 2005, the applicant enlisted in the MNARNG
 - on 21 September 2005, the applicant was ordered to initial active duty for training by Orders Number 5145004
 - on 17 February 2006, the applicant was honorably released from active duty and awarded Military Occupational Specialty (MOS) 92Y (Unit Supply Specialist)
 - on 19 March 2010, the applicant extended his enlistment in the MNARNG for 1-year

- on 11 September 2011, the applicant extended in the MNARNG for 3-years for a \$3,000.00 REB in MOS 92Y; in conjunction with this extension NGB Form 600-7-3-R-E states:
 - he was not serving as a Military Technician
 - was not reenlisting to become a Military Technician
 - termination without recoupment would occur if he was accepting a Military Technician (MilTech) position and served one or more days in the losing selected reserve, the incentive would be terminated 1-day prior to start date
- the applicant was ordered to active duty in support of Operation Enduring Freedom with duty in Afghanistan on 21 October 2010 and released from active duty on 16 November 2011
- on 6 November 2012, the NGB denied his request for an ETP to retain the \$3,000.00 REB due to prior to the REB start date the applicant accepted a MilTech position on 25 March 2012
- on 20 March 2015, the applicant extended his enlistment in the MNARNG for 6-months
- on 24 November 2015, the applicant was honorably discharged from the MNARNG by Orders Number 265-1028
- on 6 May 2016, the applicant enlisted in the MNARNG for 1-year
- on 9 October 2016, the applicant reenlisted in the MNARNG for 6-years for a \$12,000.00 REB
- on 5 May 2023, the applicant was honorably discharged from the ARNG by Orders Number 4786829

4. On 4 March 2025, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request to retain his REB. The advisory official recommended disapproval of his request. He reenlisted in the MNANRG on 11 September 2011 for a \$3,000.00 REB to start on 26 May 2012. However, he accepted a MilTech position which started on 25 March 2012. He was notified on 6 June 2012 the REB was terminated. He filed for an ETP on 2 August 2012 but was denied by the NGB on 6 November 2012. He was not paid any portion of the REB.

5. On 7 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 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:

1. 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.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended that change be completed to more accurately reflect the military service of the applicant.

//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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active duty) for the period of service September 21, 2005 through February 17, 2006, by:

a. Deleting: Item 24 (Character of Service): Uncharacterized.

b. Add: Item 24: Honorable.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service September 21, 2005 through February 17, 2006
- Army Regulation 635-8 (Personnel Separations – Separation Procedures and Documents)

3. Please correct the applicant's DD Form 214 by deleting/adding the amendment shown in paragraph 1a and b above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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 1-13 (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.

b. 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 apply. 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.

c. Paragraph 3-9 (Termination without recoupment), terminate entitlement and eligibility for the REB when the Soldier accepts a position as a MilTech, includes temporary technician over 179-days and indefinite technician where membership is a condition of employment, effective on the date of employment. If the Soldier has served at least 6-months of the incentive contract following the date of bonus payment eligibility, termination will be without recoupment.

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//