

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 March 2025

DOCKET NUMBER: AR20240007306

APPLICANT REQUESTS: Exception to Policy (ETP) to be eligible to retain his Warrant Officer Affiliation Bonus (WOAB).

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, U.S. Army Cadet Command Orders Number 213-42-A-2166, 1 August 2002, ordered to active duty due to an appointment for a 4-year commitment
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 31 January 2007

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 was denied the WOAB payment because he was still serving his Reserve Officers' Training Corps (ROTC) service obligation, which was incorrect
- he was appointed a warrant officer in Military Occupational Specialty (MOS) of 152D (OH-58D Pilot)
- but he was working in 153L (UH-72A Pilot) due to OH-58D was removed from the U.S. Army inventory, no fault of his own

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

- on 15 November 2000, the applicant enlisted in the U.S. Army Reserve (USAR) as a ROTC Cadet; upon commissioning will not resign such Reserve appointment before completion of the 8-year contractual service obligation

- on 2 August 2002, he was discharged from the USAR to accept a commission in the U.S. Armed Forces by Orders Number 213-01 dated 1 August 2002
- on 2 January 2003, he was ordered to active duty to fulfill a 4-year active duty commitment by Orders Number 213-42-A-2166 dated 1 August 2002
- on 3 August 2002, he executed his oath of office and was appointed a Reserve commissioned officer
- on 31 January 2007, he was honorably released from active duty and assigned to the USAR Control Group (Reinforcement)
- on 31 January 2007, he was notified of his appointed in the USAR in the Infantry Corps (IN), he could not resign his Reserve status until completion of a total of 8-years of service
- on 15 February 2007, he executed his oath of office and was appointed as a Reserve commissioned officer
- on 1 July 2007, he executed his oath of office and was appointed in the TN Army National Guard (ARNG) and extended temporary Federal recognition
- on 1 July 2007, he was appointed in the ARNG from the USAR and extended Federal recognition by Special Orders Number 168 dated 17 July 2007
- on 7 January 2008, he was ordered to active duty for training for the Aviation Basic Officer Leader Course and was honorably released from active duty on 13 May 2009
- on 11 June 2009, the U.S. Army Aviation Center of Excellence determined he was eligible to be appointed a warrant officer in MOS 152D
- on 12 June 2009, in the General Aviation specialty he was awarded the skill identifier A4 OH-58D warrior pilot
- on 17 June 2009, he executed his oath of office and was appointed as a chief warrant officer two (CW2) as a Reserve warrant officer and appointed a CW2 in the TNARNG
- on 16 July 2009, the applicant was assigned to a 15A (General Aviation) position as a CW2 by Orders Number 197-891 dated 16 July 2009
- on 15 July 2009, he was honorably discharged from the TNARNG by Orders Number 202-939 dated 21 July 2009
- on 15 July 2009, he was honorably discharged by the National Guard Bureau (NGB), all of his Reserve and Army of the United States appointments were terminated
- On 16 July 2009, he was initially appointed in the ARNG as a CW2 with MOS 152D for a reappointment from an IN captain by Special Orders Number 184 dated 31 July 2009
- On 2 August 2010, the applicant completed his initial 8-year military service obligation for receiving his ROTC commissioning
- On 20 August 2010, he was assigned as a OH-58A/C pilot in the ORRNG by Orders Number 253-821 dated 10 September 2010

- On 25 February 2014, he was assigned to the 153L (UH-72A Pilot) position by Orders Number 056-065 dated 25 February 2014
- On 13 June 2014, he was transferred to MOS 153L by Special Orders Number 190 dated 10 July 2014
- On 17 December 2014, he executed his oath of office and was appointed in the NCARNG; he was appointed in the NC ARNG in the MOS 153L
- and assigned to the UH-72A pilot position by Orders Number 357-926 dated 23 December 2014
- on 18 February 2015, the NGB denied his request for ETP to retain his \$10,000.00 WOAB due to:
  - not serving in MOS for which he contracted, contracted for MOS 152D but currently serving as the MOS 153L
  - signed agreement for the officer affiliation bonus while receiving ROTC scholarship which violated Title 37 United States Code, section 308j
  - contract/bonus addendum cannot be found violates ARNG Selected Reserve Incentive Program (SRIP)
  - bonus control number was requested after the date of affiliation violates ARNG SRIP
  - Incentive Manager terminated the OAB with recoupment effective the contract start date
- on 15 February 2015, he was assigned to another 153L position within the same unit by Orders Number 049-900 dated 18 February 2015
- on 17 December 2014, he completed an interstate transfer from OR to the NCARNG in MOS 152D by Special Orders Number 146 dated 20 July 2016
- on 15 December 2016, he was assigned to another 153L position within the same unit by Orders Number 348-893 dated 13 December 2016
- on 26 December 2019, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), he was honorably released from active duty on 21 August 2020, he served in MOS 153L for 8-months
- on 1 October 2020, the applicant was ordered to active duty, he was honorably released from active duty on 8 November 2021, he served in MOS 153L for 1-year and 1-month
- on 16 June 2024, was honorably discharged from the ARNG, he served 16-years, 11-months, and 15-days of service
- on 16 June 2024, the applicant was assigned to the USAR Control Group (Retired Reserve) by Orders Number 8636772 dated 27 June 2024
- on 16 June 2024, the applicant's Federal recognition was withdrawn due to transfer to the USAR by Special Orders Number 259 dated 3 July 2024

3. On 14 March 2025, the National Guard Bureau (NGB) provided an advisory opinion on the applicant's request. The NBB recommended denying relief. In the opinion, the NGB stating the applicant signed a \$10,000 OAB with the Tennessee Army National Guard on 16 July 2009 and was paid the first \$5,000 payment. The Soldier interstate transferred to the Oregon Army National Guard (ORARNG) before the second payment was due and there was no addendum in his record. The ORARNG submitted an exception to policy (ETP) for the Soldier that was denied by the National Guard Bureau's incentive branch. Based upon the interstate transfer executed prior to the completion of the bonus terms, the NGB recommended denying relief.
4. The advisory opinion was served on the applicant to provide an opportunity to respond to the recommendations of the NGB, but there was no response.

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 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.

X //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, 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 Army National Guard (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 area of concentration/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 AGR position or an assignment as an individual mobilization augmentee

- possess an area of concentration/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 area of concentration/MOS within 36 months of the date of appointment

3. 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 which 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. 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 ROTC cadet or midshipman
- not have 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

An officer receiving pre-commissioning compensation or financial assistance through a loan repayment program is not eligible for a bonus pursuant to this issuance until the military service obligation is completed. An officer who has a service obligation is not eligible for a bonus pursuant to this issuance, except when the officer:

- Serves his or her initial service obligation incurred at time of commissioning or appointment in accordance with DoD Instruction (DoDI) 1304.25;
- Incurs a service obligation due to a permanent change in duty station or promotion;
- Incurs a service obligation for attending and completing professional military education or government-funded education courses (this exception does not apply to undergraduate education); or
- Incurs a service obligation as a result of transferring his or her Post 9-11 GI Bill benefits.

5. Title 37 U.S. Code, section 308j (Special pay: affiliation bonus for officers in the Selected Reserve), The Secretary concerned may pay an affiliation bonus under this section to an eligible officer in any of the armed forces who enters into an agreement with the Secretary to serve, for the period specified in the agreement, in the Selected Reserve of the Ready Reserve of an armed force under the Secretary's jurisdiction. (f) Relation to Other Accession Bonus Authority; A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

//NOTHING FOLLOWS//