

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240007436

APPLICANT REQUESTS: in effect, to receive to the remaining payment of his \$10,000.00 Enlisted Affiliation Bonus (EAB) dated 30 January 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) that shows he enlisted in the Army National Guard (ARNG) on 30 January 2018 with an effective date of 3 March 2018
- DA Form 7249 (Certificate and Acknowledgement of Service Requirements and Methods of Fulfillment for Individuals Enlisting or Transferring into Units of the ARNG upon REFRAD/Discharge from Active Army Service) that shows he enlisted in the ARNG while on active duty in the Regular Army and was released prior to completing on his incurred eight-year military service obligation
- Memorandum; Subject: Virginia Army National Guard (VAARMG) Stabilization Policy for Prior Service Enlistments, 13 July 2016 that states any active component (AC) member who transitions directly from the AC to the VAARNG through a Reserve Component Career Counselor (RCCC) is authorized a 24 month stabilization period
- DA Form 5435 (Statement of Understanding – The Selected Reserve Montgomery GI Bill) that states eligibility requirements for the Selected Reserve Montgomery GI Bill
- National Guard Bureau Form 600-7-4-R-E (Annex B to DD Form 4 – EAB Addendum) ARNG of the United States, 30 January 2018 that shows in Section VI (Termination) the EAB would be terminated for failing two consecutive Army Physical Fitness Tests (APFT)
- Memorandum; Subject: Incoming Transitioning Soldier, 30 January 2018, that informs his incoming commander of his transition from Fort Sill, OK on 2 March 2018
- Medical Records pertaining to his outprocessing of the AC to the VAARNG
- NGB Form 23A (ArRNG Current Annual Statement), prepared on 30 April 2024 that details his creditable service for retirement pay

FACTS:

1. The applicant states that he received a letter about bonus control number A18010008VA and believes he should still receive his bonus.
2. A review of the applicant's service record shows:
 - On 30 January 2018, while serving in the RA, DD Form 4 shows he enlisted in the VAARNG for a period of 6 years; in connection with his VAARNG enlistment he completed and signed NGB Form 600-7-4-R-E which states, in pertinent part:
 - The applicant was affiliating Duty Military Occupational Specialty Qualified (DMOSQ) in MOS 91B (Wheeled Vehicle Mechanic)
 - He was affiliating into the ARNG in MOS: 91B for which he was receiving the EAB on his ARNG affiliation start date (Day after his RA Expiration Term of Service Date). Exceptions were not authorized
 - He was also affiliating in the ARNG for the 6-year Critical Skill DMOSQ EAB and will receive total payment in the amount of \$10,000.00 less taxes, processed in two installments.
 - The first 50 percent will be processed within 180 days after his affiliation into the ARNG, reporting to his unit of assignment and verification of his critical EAB MOS qualification in Guard Incentive Management System (GIMS);
 - the second 50 percent will be processed within 180 days after the fourth-year anniversary of his EAB contract start date provided installment one was previously processed
 - The applicant may be terminated from EAB eligibility with recoupment if he was assigned into excess Code 9993 or if he had two (2) consecutive record APFT failures within the EAB contract term; the effective date of termination is the date of his second consecutive "For Record" APFT failure
 - On 2 March 2018, the applicant was honorably released from the RA and was transferred to his VAARNG unit; DD Form 214 (Certificate of release or Discharge from Active Duty) shows in item 11 (Primary Specialty) shows MOS 91B1O
3. On 3 March 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion for this case and recommended disapproval of the applicant's request. The advisory official stated:

a. The applicant reenlisted in the VAARNG with a \$10,000.00 MOSQ bonus for 3 March 2018 to 2 March 2024 signed 30 January 2018. Bonus was established in GIMS with eligibility dates of payments to be 3 March 2018 and 3 March 2022 each for \$5,000.00 He received the first payment of \$5,000.00 and is requesting the additional \$5,000 payment.

b. After review of the Soldier's submission and coordination with the VAARNG, the Soldier failed two consecutive APFT which terminates the incentive effective the date of the second APFT. His records show a failed APFT October 2018 and a second failed APFT October 2019. He is eligible to receive the bonus from the start of the contract 3 March 2018 to the second failure October 2019. He completed 19 months in good standing and is eligible for \$2,638.89 however he has received \$5,000.00. His bonus should be terminated effective October 2019 and \$2,361.11 should be recouped in accordance with section VI paragraph 1.h of his signed bonus addendum.

c. It is the recommendation of this office that the applicant's request be denied. His bonus should have been terminated effective October 2019 in accordance with section VI paragraph 1.h of his bonus addendum resulting in a recoupment of \$2,361.11.

4. On 4 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. The Board reviewed and concurred with the NGB advising official noting the applicant failed two consecutive APFT's which terminated the incentive effective the date of the second APFT. His records show a failed APFT in October 2018 and a second failed APFT in October 2019. He was eligible to receive the bonus from the start of the contract on 3 March 2018 to the second failure in October 2019. He completed 19 months in good standing and was eligible for \$2,638.89 however he has received \$5,000.00. His bonus should be terminated effective October 2019 and \$2,361.11 should be recouped in accordance with section VI paragraph 1.h of his signed bonus addendum. Therefore, the Board denied relief.

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 as it pertains to the applicant's request for payment of the remaining portion of his EAB. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. However, the applicant received a \$5,000.00 payment and was only entitled to \$2,638.89 for completion of 19 months of his EAB contract. Therefore, all Department of the Army and Army National Guard records should be corrected to reflect the recoupment of \$2,361.11. Exact recoupment amounts will be deferred to the Defense Finance and Accounting Service.

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, 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. Army Regulation (AR) 15–185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
3. Title 37, USC, Section 331 (General bonus authority for enlisted members) provides that, the Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who (1) enlists in an armed force; (2) enlists in or affiliates with a reserve component of an armed force; (3) 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.
4. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) governs policies and procedures for the administration of the ARNG SRIP programs. In pertinent part:
 - a. Paragraph 1-20 (Incentive payments) states –
 - (1) The ARNG requires the unit commander or other designated individuals to initiate eligibility reports for payment immediately upon notice of the Soldier's entitlement and submit them to the State IM for processing through the incentive management system for payment.
 - (2) The Commander's Eligibility report will be issued to each respective unit. A suspense date will be established for the return of the certified document to the State IM. The unit commander will certify the Commander's Eligibility report to verify eligibility for payment or cause for suspension or termination. The State G1/J1/MILPO may delegate the unit commander certification authority to the State Incentive Manager.
 - (3) The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

(4) The State IM, in accordance with regulatory and SRIP policy guidance, will verify the following: (a) Continued eligibility for payment and correct due date. (b) Suspension reason and correct suspension date. (c) Termination reason and correct termination date.

b. Section III – EAB, paragraph 2-10 (Entitlement) states, the entitlement for incentive begins on the date of accession to the ARNG. The unit Commander must ensure that Soldiers are counseled when they affiliate, that they will not receive payments immediately under this program. Payments will be processed through personnel pay channels upon verification of all contractual documentation and meeting the terms and conditions outlined in the incentive agreement.

5. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, 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.

6. AR 350-1 (Army Training and Leader Development) prescribes policies, procedures, and responsibilities for developing, managing, and conducting Army training and leader development. Paragraph F-5 (Physical Readiness Training Program) states, in pertinent part:

a. Paragraph F-5g – Physical readiness testing gives Soldiers an incentive to stay in good physical condition and allows commanders a means of assessing the physical readiness levels of their unit. Accordingly, all Soldiers (RA and Reserve Component (RC)) must be able to pass the APFT at any time, except upon return from deployment. Soldiers will be administered a record APFT no earlier than 90 days following redeployment.

b. Paragraph F-5k – Soldiers must take a record APFT every 6 months for RA and AGR Soldiers, and annually for all other USAR and ARNG Soldiers. If a Soldier fails a record APFT, commanders may allow Soldiers to retake the test as soon as the Soldier and commander feel the Soldier is ready to test (not to exceed 90 days). A repetitive APFT failure occurs when a Soldier fails a record test, is provided adequate time and assistance to condition (not to exceed 90 days) and fails again. Soldiers without medical profiles that fail a retest or fail to take the APFT with no authorized waiver within the required time will be barred from re-enlistment or processed for separation from the service.

c. Paragraph F-5l – Record APFT scores will be annotated on a DA Form 705, APFT Scorecard. For Soldiers on a permanent profile or an extended temporary profile (more than three months), a record test must include an aerobic event. The only approved aerobic events are the 2-mile run, 800-yard swim, 6.2-mile stationary bicycle ergometer, 6.2-mile conventional bicycle or the 2.5-mile walk. Soldiers on permanent profile or a temporary profile of long duration (more than three months) will only receive points for those events taken.

d. Paragraph F-5l(1) – Commanders may administer the APFT as often as they wish; however, they must specify beforehand when the APFT is for record. USAR and ARNG Soldiers will take a record APFT annually. A minimum of 4 months will separate record tests for RA and AGR. The 4-month rule does not apply to Soldiers that must make-up a record test or re-testing for an APFT failure. A minimum of 8 months will separate record tests with no more than 14 months between record tests for other Reserve Component Soldiers (less IRR). The 8-month rule does not apply to Soldiers that require makeup testing or re-testing for an APFT failure. Commanders are encouraged to test Soldiers for record as close to the record test window as possible. Soldiers requiring make-up testing will be scheduled in accordance with the unit Standard Operating Procedures. Soldiers requiring re-testing for an APFT failure will be scheduled as prescribed in paragraph F-5m(6) of this regulation.

e. Paragraph F-5m(6) – Soldiers who fail a record APFT for the first time or fail to take a record APFT within the required period will be flagged in accordance with AR 600-8-2. In the event of a record test failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready. Soldiers without a medical profile will be retested no later than 90 days following the initial APFT failure. Reserve component Soldiers not on active duty and without a medical profile will be tested no later than 180 days following the initial APFT failure.

//NOTHING FOLLOWS//