

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 April 2025

DOCKET NUMBER: AR20240007700

APPLICANT REQUESTS: correction of his records to reflect payment of his Officer Accession Bonus (OAB) in the amount of \$10,000.00.

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), 28 June 2005
- Written Agreement OAB which shows his entitlement to the bonus in the amount of \$10,000.00 in Area of Concentration (AOC) 56A (Chaplain)
- National Guard Bureau (NGB) Form 22 (Report and Separation and Record of Service), 23 January 2019
- Orders Number 051-1021, 20 February 2019

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 pertinent part, he signed an OAB, control number O14100001XX, but never received the bonus.
3. A review of the applicant's available service record reflects the following:
 - Having prior enlisted service with the Army National Guard (ARNG), his record is void of the initial NGB Form 337 (Oaths of Office) wherein he accepted a commission with the ARNG and executed an oath of office
 - Special Orders Number 17 AR, dated 28 January 2011 was issued for retroactive Federal recognition of his initial appointment as a commissioned officer with the National Guard on 22 October 2010

- DA Form 1059 (Service School Academic Evaluation Report), dated 19 August 2011, shows he attended and completed the Chaplain Basic Officer Leader Course from 23 May through 19 August 2011
- Orders Number 242-999, dated 30 August 2013 was issued for appointment in the ARNG as a 56X (Chaplain Candidate) to attend Chaplain Candidate Academy
- DA Form 1059 shows he attended and completed Chaplain Candidate Academy from 1 January 2014 to 16 May 2014
- On 3 October 2014 he was appointed as a Reserve commissioned officer in the ARNG and extended a temporary federal recognition, in conjunction with this appointment he signed the Written Agreement OAB, control number O14100001XX, entitling him to a \$10,000.00 bonus for commissioning 6 years into AOC 56A
- Special Orders Number 353, dated 5 December 2014 was issued for retroactive Federal Recognition of his reappointment with the ILARNG, effective 3 October 2014
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings), dated 27 November 2018 shows he was recommended for medical retirement at 70 percent and placement on the permanent disability retired list
- Orders Number D 354-34, dated 20 December 2018 was issued for placement on the permanent disability retired list, effective 24 January 2019
- NGB Form 22, dated 23 January 2019 shows an honorable retirement with a net service this period of 4 years, 9 months, and 15 days. Block 13 (Primary Specialty Number, Title and Date Awarded) 56A, Command Unit Chaplain
- Special Orders Number 50, dated 26 February 2019 was issued for retroactive withdrawal of his Federal recognition from the ARNG and transfer to the retired list, effective 23 January 2019

4. On 21 March 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request stating, in pertinent part:

a. The applicant commissioned in the ILARNG for the Officer Critical AOC OAB (Tier level 1-6) to receive a total lump-sum payment for a six year OAB in the amount of \$10,000.00 less taxes. His payment was to be processed upon completion of Basic Officer Leader Course (BOLC) within 24 months from date of commissioning and verification of his critical skill AOC qualification in Guard Incentive Management System (GIMS) as a lump sum payment.

b. Upon coordination with the INARNG it was determined that he signed an OAB as a 56A on 3 October 2014. Looking into the history of the payment it appears the payment was approved on 5 December 2014 by the U.S. Property and Fiscal Office, but the payment did not process per the Defense Joint Military Pay System. Payments can only be made up to five previous Fiscal Years and then the payment becomes a closed

year payment, as this case would be. The only way to pay this out after the five-year timeframe is the ABCMR process.

c. He met all the eligibility requirements to receive his payment on 3 October 2014. The applicant did transfer to a 01A position on 1 November 2018 but did not change his AOC. The medical discharge on 23 January 2019 constitutes a termination without recoupment. He had zero unsatisfactory, zero suspensions of favorable personnel actions, is not a MilTech, not Active Guard/Reserve, and passed all Army Physical Fitness Tests and height and weights.

d. Based on a search of GIMS to include coordination with the INARNG [sic], it could not be verified that he ever received his OAB, therefore, this office recommends his request to receive his bonus be granted.

e. The ILARNG concurs with this opinion.

5. On 28 March 2025, the applicant was provided a copy of the advisory opinion and provided an opportunity to respond. He replied concurring that he had not received his bonus and provided no additional comments or documentation for review.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings outlined in the NGB advisory opinion and the concurrence of that opinion submitted by the applicant, the Board concluded there was sufficient evidence to pay the applicant his Officer Accession Bonus (OAB) in the amount of \$10,000.00.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by paying the applicant his Officer Accession Bonus (OAB) in the amount of \$10,000.00.

//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. Army National Guard Selective Reserve Incentive Policy Fiscal Year 14-01 states a member must commit to a minimum 6-year term of service upon date of commission in an active status. The Officer/Warrant Officer Accession Bonus (OAB) agreement must be signed no more than 90 days before the date of commission in the ARNG for an Officer and no more than 180 days for a Warrant Officer.
3. Department of Defense Instructions 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.
4. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute

have resulted in litigation in the U.S. Court of Federal Claims. In the case of Pride versus the United States, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

//NOTHING FOLLOWS//