

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240007887

APPLICANT REQUESTS: payment of his \$10,000.00 Reenlistment Bonus (REB).

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), 16 October 2006
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 7 November 2008
- DD Form 214, 9 January 2010
- DD Form 214, 3 July 2011
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 21 December 2011
- DA Form 4836, 2 September 2014
- Joint Force Headquarters (JFH) Utah Army National Guard (UTARNG) Orders Number 040-014, 9 February 2019 shows:
  - Applicant was honorably discharged from the ARNG
  - Assigned to the U. S. Army Reserve (Retired Reserve) effective 13 February 2019
  - Placed on the Permanent Disability Retired List (PDRL)
- National Guard Bureau (NGB) Form 22 (NGB Report of Separation and Record of Service), 13 February 2019
- NGB Form 23A (ARNG Current Annual Statement), 30 May 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 the NGB notified him of a potential entitlement to incentive payment for his REB with control number R1112001XXX.

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

- On 16 October 2006, he enlisted in the ARNG of the United States and had continuous service through extensions
- On 1 May 2007, he was ordered to initial active duty for training by Orders Number 6289012, 16 October 2006
- Upon completion of training, he was awarded the military occupational specialty (MOS) 42A (Human Resources Specialist) by Orders Number 288-536, 14 October 2008
- On 7 November 2008, he was honorably released from active duty and reverted to ARNGUS control
- On 5 August 2009, he was ordered to full time National Guard Duty – Operational Support (FTNGD-OS) by Orders Number 217-260, 5 August 2009
- On 1 October 2009, he was ordered to FTNGD-OS by Orders Number 274-360, 1 October 2009
- On 9 January 2010, he was honorably released from active duty and reverted to ARNGUS control
- On 5 April 2010, he was awarded the primary MOS 35M (Human Intelligence Collector) and secondary MOS 42A by Orders Number 095-027, 5 April 2010
- On 22 June 2010, he was ordered to active duty in support of Operation Iraqi Freedom by Orders Number 163-421, 12 June 2010
- On 3 July 2011, he was honorably released from active duty and reverted to ARNGUS control
- On 21 December 2011, he extended his enlistment in the ARNGUS for 6 years for a new expiration of term of service (ETS) of 15 October 2018; in conjunction NGB Form 600-7-3-R-E with Control Number R11120013UT, shows in:
  - Section II (Eligibility):
    - He extended Duty MOS qualified in 35M for 6 years, to be paid \$10,000.00 REB
    - This incentive addendum is not valid if signed after the execution date of the DD Form 4 or DA Form 4836 and if not signed and dated by an enlisting/witnessing official and a service representative at the time initialed and signed
  - Section III (Bonus Amount and Payments):

- \$10,000.00 REB; paid in three installments, the first 50 percent the day after his current ETS and the second 25 percent on his third-year anniversary and final 25 percent on his fifth year anniversary
  - He understood that he would not receive a payment if he did not meet all eligibility requirements on his contract start date (Day after current ETS, the extension will be verified by the State Incentive Manager prior to any payment being processed)
- Section VIII (Authentication) shows: the applicant digitally signed the addendum on 5 January 2012 though the signature was dated 22 December 2011
- Section IX (Certification by Service Representative) shows:
  - The enlisting official digitally signed the addendum on 25 January 2012 through the signature was dated 22 December 2011
  - The service representative digitally signed the addendum on 25 January 2012 through the signature was dated 22 December 2011
- On 5 June 2013, the NGB approved the applicant's request for an exception to policy (ETP) to retain his \$10,000.00 REB for the discrepancy of the addendum was signed after the date of reenlistment/extension which violated ARNG Selected Reserve Incentive Policy Fiscal Year 11
- It further stated the applicant accepted an incentive officer in good faith and had otherwise fulfilled the obligations under the contract, therefore, withholding payment would be against equity and good conscience and contrary to the best interest of the Army
- On 30 May 2014, the NGB approved the applicant's request for an ETP to retain his \$10,000.00 REB for the discrepancy of REB for the discrepancy of:
  - The bonus control number (BCN) was requested prior to the date of the extension, but was not approved until after he extended which violated the ARNG policy
  - Addendum was signed after the date of reenlistment/extension which violated ARNG Policy
  - The BCN approval and signature execution dates were fault of the state incentive manager and unit, the applicant was otherwise eligible for the incentive
  - Applicant accepted an incentive officer in good faith and had otherwise fulfilled the obligations under the contract, therefore, withholding payment would be against equity and good conscience and contrary to the best interest of the Army

- On 2 September 2014, he extended his enlistment in the ARNGUS for 7 months for a new ETS of 15 May 2019
- On 8 January 2019, the informal Physical Evaluation Board found he was physically unfit for retention and recommended he be placed on the PDRL with 50 percent disability for Post Traumatic Stress Disorder
- On 13 February 2019, he was placed on the PDRL with 50 percent disability by Orders Number D 009-06, 9 January 2019

4. On 10 March 2025, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request to be paid his \$10,000.00 REB. The advisory official recommended disapproval of his request.

a. The applicant extended his enlistment in the ARNGUS for 6-years on 21 December 2011 but did not sign the REB addendum until 22 December 2011. He was eligible for a \$10,000.00 REB with the first installment to be processed on the day after his current ETS, which was 16 October 2012. The second installment was to be processed on the third year anniversary and the last payment on the fifth year anniversary, 16 October 2017. The applicant received the first two installments of the REB.

b. According to his service records, he was in a period of unavailability during the period of 7 February through 6 September 2014, so he extended his service contract to 15 May 2019 to reinstate his bonus eligibility. However, he was medically discharged on 13 February 2019, before he could complete his contract obligation.

c. It is recommended the applicant's request be disapproved, his eligibility was suspended when he was flagged for a security violation on 20 June 2017, so he was ineligible for his third installment. Additionally, it is recommended termination without recoupment based on his medical discharge. While the flag was removed upon his medical discharge, the flag was neither removed favorably or non-favorably.

5. On 17 April 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment.

6. On 17 April 2025, the applicant responded via e-mail stating he was shocked he was flagged for unfavorable actions. The security issue was his civilian employer stopping him from reporting them for security violations that he witnessed in Afghanistan. He does not know how what he did on a Department of Defense (DoD) contract could flag him in the military.

A. He worked for IMSAR, when his site lead told him he could take an unclassified hard drive which he used on his laptop as long as he replaced it which he did. When he

got home, he did not want to be accused of anything so he told his site lead that he wiped the hard drive and was going to use it as attached storage.

b. Before he left Afghanistan, he told his site lead that when he got home, he would have to report a violation of plugging an open internet into a secret system. He had the logs from the Cisco switch showing the classified data coming from the Shadow being sent to the system, not just unclassified data as they claimed to the Air Forces for the DoD contract.

c. He was told by his unit at his first unit training assembly after returning home, that IMSAR claimed he stole the hard drive and threatened their facility/personnel and entered it into Joint Personnel Adjudication System (JPAS). Not one word was true, but he spoke with Chief Warrant Five (CW5) G- about the situation. CW5 G- told him if he made a claim about what he saw, it would look like retaliation so he told him not to make a report because it would end badly for him. While at Camp Williams, J- pulled him into a room and started to talk about the hard drive and demanded it be returned. He returned the hard drive because it was empty anyway, he was then told the issue was closed with no unfavorable actions taken against him.

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 evidence of record shows the applicant extended in the ARNG on 21 December 2011 with entitlement to a \$10,000.00 REB. The NGB approved an ETP on 5 June 2013 for the discrepancy of the addendum was signed after the date of reenlistment/extension which violated ARNG Selected Reserve Incentive Policy Fiscal Year 11. Again, on 30 May 2014, the NGB approved the applicant's request for an ETP to retain his \$10,000.00 REB for the discrepancy of the BCN was requested prior to the date of the extension, but was not approved until after he extended which violated the ARNG policy, the addendum was signed after the date of reenlistment/extension which violated ARNG Policy, and the BCN approval and signature execution dates were fault of the state incentive manager and unit, the applicant was otherwise eligible for the incentive. The Board reviewed and concurred with the NGB advisory. The Board noted his eligibility was suspended when he was flagged for a security violation on 20 June 2017, so he was ineligible for his third installment. Additionally, it is recommended termination without recoupment based on his medical discharge. Therefore, the Board denied relief.

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.

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. 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 1-14 (Required documents), applicants for programs administered by this regulation are required to sign documents which specify the eligibility criteria and the term of service for the desired incentive. The document will contain an acknowledgment that the applicant has been advised of, and understands, the benefits of the program and the conditions that can cause suspension, or termination and recoupment, if applicable. These documents will be authenticated by a proper witnessing official and will include the preparation date. All required addenda will be completed at the time of enlistment/reenlistment or extension. An addendum cannot be completed after the fact in order to gain eligibility for an incentive.

b. Paragraph 1-18 (Suspension of SRIP incentives), Participants will be suspended from the incentive program and will not receive any payments while: assigned to the Inactive National Guard, non-availability in excess of the maximum period will be cause for termination from incentive entitlement and will result in recoupment of unearned amounts already paid. Except for suspension of favorable personnel actions based on failure to maintain body composition standards or Army Physical Fitness Test (APFT) failure, Soldiers who have a suspension of favorable actions will not be processed for an initial or anniversary payment. Bonus payments will be processed effective the date the suspension is lifted, for soldiers who have continued eligibility. Reinstatement of an incentive and resumption of subsequent payments after a period of non-availability is not guaranteed.



3. Title 37 USC, section 331 (General bonus authority for enlisted members), (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

//NOTHING FOLLOWS//