

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240008236

APPLICANT REQUESTS: receive unpaid Reenlistment Bonus (REB) from his 2013 contract.

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), 5 July 2013, extended his service in the Texas Army National Guard (TXARNG) for 6-years with a new Expiration Term of Service (ETS) date of 2 February 2020
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum), 5 July 2013 shows:
 - he agreed to serve 6-years in the Military Occupation Specialty (MOS) of 68W (Combat Medic Specialist) for a \$10,000.00 REB with the bonus control number of R13070587TX
 - REB would be processed effective the day after his current ETS in two installments; the first 50 percent processed on the day after current ETS date with the second 50 percent processed on the fourth year anniversary
 - he understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date
 - he is separated from the ARNG due to death, injury, illness, or other impairment that is the result of his own misconduct; termination date will be his ARNG discharge date
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 31 October 2013
- NGB Form 22 (Report of Separation and Record of Service) ending 17 September 2014
- Honorable Discharge Certificate, 17 September 2014

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 informed through a letter from an NGB Incentives Oversight Analyst that he may not have received payment of his REB
- the REB Control Number is R13070587TX; attached is a DA Form 4836, the enlistment bonus addendum, discharge orders and his NGB Form 22
- his medical retirement resulted in an oversight in his bonus payment

3. A review of the applicant's service records show the following on:

- on 3 November 2005 he enlisted in the MIARNG
- on 23 November 2009, NGB Form 22-5 shows he accepted a transfer to the TXARNG
- on 5 July 2013 he extended his enlistment in the ARNG by a period of 6 years changing his ETS to 2 February 2020; in conjunction with this extension NGB Form 600-7-3-R-E shows he extended his enlistment in the TXARNG for 6-years in duty MOS 68W and:
 - he agreed to serve 6-years for a \$10,000.00 REB with the bonus control number of R13070587TX
 - his REB would be processed effective the day after his current ETS in two installments: the first 50 percent to be processed on the day after his current ETS date with the second 50 percent to be processed on the fourth year anniversary
 - he understood he would not receive payment of his REB if he did not meet all eligibility requirements on the contract start date
 - section VI (Termination), paragraph 4 of the agreement states he may be terminated from REB eligibility with recoupment if he is discharged from TXARNG due to injury or illness that occurred or was detected while assigned in a traditional drilling status that was not the result of his own misconduct; the termination date will be effective the discharge order date
- NGB Form 22 ending 17 September 2014, shows the applicant was honorably released from the ARNG for placement on the permanent disability retired list

4. On 13 March 2025, in the processing of this case the NGB, Chief, Special Actions Branch, provided an advisory opinion regarding the applicant's request to receive his unpaid REB from his 2013 contract.

a. A review of the applicant's ABCMR claim was conducted by the TXARNG and the NGB concluded that the applicant's incentive addendum was terminated due to the applicant being found unfit for service while going thru the Integrated Disability Evaluation System and being found unfit for service continuation by the Physical Evaluation Board. The applicant was medically retired and placed on the retired list as of 17 September 2014.

b. The ARNG Fiscal Year 2013 SRIP effective 1 January 2013 through 30 September 2013, paragraph 23(i), states a REB will be terminated without recoupment when a Soldier is involuntarily ordered into retirement, and the termination will be the date on the ARNG discharge order.

5. On 19 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations outlined in the NGB advisory opinion and the lack of any rebuttal of those facts 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:

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.

//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 1-13 (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 3-5 (Entitlement), entitlement to a bonus for an immediate reenlistment begins on the date of the oath of enlistment; the extension bonus on the first day of the extended period of service. The unit commander must ensure that

Soldiers are counseled when they enlist, reenlist, or extend that they will not receive payments immediately under this program. Payments will be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

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

4. National Guard Bureau Memorandum – Subject: The ARNG Selected Reserve Incentive Programs (SRIP) Policy for Fiscal Year 2013 (FY13), Effective 1 January 2013 through 30 September 2013 (Policy Number 13-01), prescribes eligibility criteria, procedures, and standards for administering the ARNG SRIP for FY13.

a. This policy supersedes all previous SRIP policies, guidance, instructions, Montgomery GI Bill-Selected Reserve (MGIB-SR) Kicker policies, and Education Incentive Operational Messages (EIOMs), except for EIOMs published in FY12 and their applicable references.

b. Paragraph 23i (Termination with Recoupment) states, if entitlement to an incentive is terminated for any reason before the fulfillment of the service described in the Service Member's (SM) written agreement/addendum, the SM shall not be eligible to receive any further incentive payments, except for payments for service performed before the termination date. A Soldier involuntarily ordered into retirement. The termination is the date on the ARNG discharge order.

//NOTHING FOLLOWS//