

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240008263

APPLICANT REQUESTS: entitlement to payment of Officers Accession Bonus (OAB).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Notification of Potential Entitlement to Incentive Payment(s), 14 March 2024 – a review of the Guard Incentive Management System (GIMS) determined that he may not have received his OAB prior to being released from the Army National Guard (ARNG)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 10 August 2021 – service on active duty from 24 September 2020 – 10 August 2021
- Orders Number 175-002, 24 June 2021 – placement on the Retired List, effective 1 September 2021

FACTS:

1. The applicant states in pertinent part that he received a notification letter which indicated that he may have not received payment of his OAB due to an error made during the processing of the bonus paperwork.

2. A review of the applicant's available service records reflects the following:

- 25 September 1995 – enlisted in the ARNG
- 7 August 2001 – extended enlistment by 6 years
- 7 February 2007 – extended enlistment by 6 years with entitlement to a \$15,000.00 Reenlistment/Extension Bonus (REB) to be processed in a lump sum payment on the date that the contract takes effect (1 day after current Expiration Term of Service (ETS) date)
- 6 September 2008 – appointed a Reserve commission within the ARNG
- 18 September 2008 (Orders Number 262-1068) – discharged the applicant from the ARNG, effective 5 September 2008
- 31 August 2021- transferred into the Retired Reserve
- His record is void of an OAB addendum

3. On 13 March 2025, the National Guard Bureau, Chief, Special Actions, provided an advisory opinion recommending partial approval of the applicant's request noting that on 6 September 2008, the applicant was appointed a commission within the ARNG with entitlement to a \$10,000.00 OAB. He received the first incentive payment of \$5,000.00 at that time. Prior to being appointed a commission, on 7 February 2007, the applicant elected to extend his enlistment by 6-years with entitlement to a \$15,000.00 REB to be paid in a lump sum a day after his ETS date (24 September 2007).

a. Army National Guard (ARNG) Selected Reserve Incentive Program (SRIP) guidance for Fiscal Year (FY) 2007, paragraph 6(b) states that a Soldier's REB will be terminated without recoupment if the Soldier accepts a commission or appointment as an Officer or Warrant Officer in the ARNG after having served more than one year of the enlisted incentive contract term.

b. ARNG SRIP guidance for FY 2007, subparagraph O (11) states that newly commissioned Officers and newly appointed Warrant Officers who retained an enlisted bonus (meaning there is no recoupment action) after serving more than one year of their enlisted incentive contract term may not receive the Officer Accession Bonus.

c. A review of the applicant's claim by the TXARNG concluded that his OAB was terminated with recoupment of \$555.56 due to him not being authorized to receive an OAB because his REB had not been terminated and recouped per ARNG SRIP FY07 which states that a Soldier may not receive an OAB if he or she retains an enlisted bonus.

d. It is the recommendation of their office that the applicant's request to have this office review the termination with recoupment of his OAB and possible reestablishment of his contract for additional payment be partially approved. The OAB incentive that was recouped should be returned to the applicant, and the OAB itself remain terminated per SRIP FY07. The applicant submitted an Exception to Policy (ETP) requesting to retain his OAB. However, this request was denied with instructions to terminate without recoupment. Therefore, the applicant's recoupment bonus incentive in the amount of \$555.56 should be returned to him per the ETP guidance.

4. On 14 March 2025, the applicant was provided with a copy of the advisory opinion and afforded 7 days to provide comments. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial 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 lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was sufficient evidence to return \$555.56 previously recouped from the applicant.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | GRANT FULL RELIEF |
| :XXX | :XXX | :XXX | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| : | : | : | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by paying the applicant \$555.56, which was previously recouped from the applicant.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to paying the applicant additional portions of his Officers Accession Bonus (OAB).

//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:

ARNG SRIP Guidance for Fiscal Year (FY) 2007, 2008, and 2009 Policy 07-06 provides the general eligibility criteria for entitlement to the Officer Accession Bonus and the Reenlistment/Extension Bonus.

a. Paragraph 12 (Officer Accession Bonus) provides that the service member must have never held a commission as an officer in any of the armed forces of the United States and must sign the Officer Accession Bonus addendum on the date that they accept their commission. Newly commissioned officers and newly appointed warrant officers are prohibited from receiving the Officer Accession Bonus if as a result of a commission or appointment their enlist bonus was terminated without recoupment.

b. Paragraph 8 (Reenlistment/Extension Bonus (REB)) provides that the REB for a 6-year extension will be processed on the effective date of the new contract/after the contractual expiration term of service in effect prior to signing the new extension. Section 15 (Termination without Recoupment) provides that termination of the REB incentive would occur without recoupment if the service member served more than one year of an enlisted incentive contract term (contract term starts the date the initial payment of the bonus is authorized) before accepting a commission as an officer, appointment as a warrant officer, becoming a contracted Reserve Officer Training Corps (ROTC) Cadet in the Simultaneous Membership Program (SMP) or accepting any ROTC scholarship. Termination is effective the date of acceptance of commission or appointment.

//NOTHING FOLLOWS//