

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240008399

APPLICANT REQUESTS: in effect, an Exception to Policy (ETP) to apply for and receive the Officer Retention Bonus (ORB).

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Memorandum - Subject: Update to the Army National Guard (ARNG) Selected Reserve Incentive Program (SRIP) Policy for Fiscal Year (FY) 2020 (FY20), (ARNG-HRZ Policy Number 20-01), with Enclosure 5, dated 13 August 2020
 - wherein, the National Guard Assistant for ARNG Personnel and Talent Management updated and revised the ARNG Enclosure 5, Authorized Officer/Warrant Officer Retention Bonus Critical military occupational specialty (MOS) list
- Officer Record Brief dated 23 April 2022, which shows the applicant's personal and personnel data such as assignment information, military and civilian education, and awards and decorations; her Basic Active Service Date shows 31 May 2006 and Basic Date of Appointment shows 8 May 2005
- Applicant's ETP request for ORB dated 23 February 2023, wherein, the applicant requested permission to apply for and receive the ORB authorized in accordance with (IAW) Section 332(a)(3) of Title 37, U.S.C., and Department of Defense Instruction (DoDI) 1304.34 (General Bonus Authority for Officers).; the request can be reviewed within the supporting documents
- NGB Memorandum - Subject: ETP Disapproval, ORB for [Applicant], 1 May 2024, which shows the NGB, Chief, G1 Operations Division disapproved the applicant's ETP request for the ORB
- ARNG SRIP Policy for FY20, ARNG-HRZ Policy Number 20-01, 1 October 2019, provides the eligibility and authorized requirements to receive the ORB

FACTS:

1. The applicant states:

- Her request for an ETP to retain the \$20,000.00 ORB was disapproved by the NGB stating she did not meet the initial eligibility requirements
- The memorandum did not state what eligibility requirements she did not meet
- She believes she did meet the requirements and therefore should retain the ORB
- The primary requirements were that the Service Member have less than 16 years of service and have a Military Occupational Specialty (MOS) listed on the critical MOS list
- Per the enclosure 5 update to ARNG FY20 SRIP Policy dated 13 August 2020, her MOS 36A (Finance Manager) is listed on the Authorized Officer/Warrant ORB Critical MOS List
- As of May 2020, she had 14 years of service and therefore still had less than 16 years of service as required; at this time, she was deployed to Bagram, Afghanistan (July 2019 – May 2020)

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

- Having prior Cadet service; DA Form 71 (Oath of Office – Military Personnel) shows the applicant was appointed as a Reserve commissioned officer and executed her oath of office on 8 May 2005
- On 31 May 2006, she entered active duty
- On 16 December 2011, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was discharged/released from active duty and was transferred to her New York ARNG (NYARNG) unit; she completed 5 years, 6 months, and 16 days net active service this period; item 11 (Primary Specialty) shows 36A (Finance Manager)
- On 17 December 2011, NGB Form 337 (Oaths of Office) shows she was appointed in the NYARNG, in rank/grade of captain (CPT)/O-3, and executed her oath of office
- On 9 November 2016, Orders Number 314-1009 promoted the applicant to the rank/grade of major/O-4, effective 9 November 2016
- On 17 June 2019, the applicant entered active duty in support of Operation Freedom's Sentinel
- On 30 July 2020, DD Form 214 shows she was released from active duty and was transferred to her NYARNG unit; item 11 shows "36A"
- On 7 September 2022, Special Orders Number 61 AR extended Federal recognition to the applicant for promotion to the rank of lieutenant colonel, effective 9 June 2022
- The applicant's records are void of an ORB addendum

3. On 1 May 2024, the NGB, Chief, G1 Operations disapproved the applicant's ETP request for ORB and stated:

a. The ETP request on behalf of the applicant to retain the \$20,000.00 ORB is disapproved.

b. The applicant did not meet the initial eligibility requirements for the ORB; therefore, the NYARNG Incentive Manager will not enter an ORB contract on behalf of the Service Member. A copy of this memorandum must be placed in the Soldier's Army Military Human Resources Record.

4. On 6 March 2025, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended disapproval. The NGB advisory official states:

a. The applicant commissioned into the NYARNG and states she was eligible to receive the \$20,000.00 ORB in accordance with the ARNG FY20 SRIP policy dated 13 August 2020. The applicant states she had 14 years' time in service and her Area of Concentration (AOC), 36A, was on the revised list of critical AOCs. The applicant did not sign an ORB addendum and there is no record of a contract in Interactive Personnel Electronic Records Management System (iPERMS) or Guard Incentive Management System (GIMS).

b. After review of the applicant's submission and coordination with the NYARNG, the applicant is not eligible to receive the bonus. She submitted an ETP to the NGB Incentives Branch that was denied as not having been eligible to sign an ORB as the applicant passed her 16 years' time in service on 8 May 2021. She was eligible between 10 July 2020 and 8 May 2021; the applicant states she was unaware of the bonus as she was deployed. The applicant was deployed until 30 July 2020. The FY21 SRIP suspended the ORB on 1 July 2021, after the applicant was no longer eligible, and it remains suspended.

c. It is the recommendation of this office that the applicant's request be denied. She did not meet the requirements at the time an ETP was requested and there is no record of signed bonus addendum. The applicant passed her 16 years' time in service and is not eligible. The NYARNG concurs with this advisory opinion.

5. On 10 March 2025, the applicant was provided with a copy of the NGB advisory opinion to allow for comments or rebuttal.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief 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 findings 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:

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. 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. ARNG FY20 SRIP Policy – Subject: The ARNG SRIP Policy for FY20 (ARNG-HRZ Policy Number 20-01), 1 October 2019, provides recruiting and retention incentives to assist in filling critical shortages in those situations where other less costly methods have proven inadequate in supporting unit and skill staffing requirements.

a. Paragraph 12 (Officer/Warrant Officer Retention Bonus) provides that the Officer Retention Bonus is authorized in accordance with (IAW) Section 332(a)(3) of Title 37, U.S. Code (USC), and Department of Defense Instruction (DoDI) 1304.34 in order to retain the adequate number of qualified officers. This incentive incurs a voluntary extension of an officer's service in exchange for an agreement to serve for a specified period in a designated military skill or career field in which there is a shortage of trained and qualified personnel. The officer must have completed their Commissioning obligation and agree to an additional three-year service obligation. Soldier must have less than 16 years of qualifying military service towards a regular or non-regular retirement, in accordance with DoDI 1215.07.

b. Paragraph 16 (Agreements/Addendums) states, IAW Title 10 USC, Title 37 USC, DoDI 1205.21, DoDI 1304.31, and DoDI 1304.34 an applicant/Soldier must enter into an agreement outlining the terms and conditions for receiving an incentive/bonus. The agreement will explain the subject of repayment for failing to complete the period of obligated service or other conditions of service for which the incentive/bonus is paid. Agreements will be executed on or prior to any obligated service period and are only valid when containing all required signatures and dates, Bonus Control Numbers (BCN) and printed from authorized systems. The authorized systems for generating addendums are Guard Incentive Management System and Guidance Counselor Resource Center unless written approval is granted by ARNG-HRM-I (ARNG-HRM-E for Kicker).

2. Title 37, USC, section 332 (General Bonus Authority for Officers) provides that:

a. A bonus authorized by subsection may be paid to a person or officer only if the person or officer agrees under subsection (d) - (1) to serve for a specified period in a designated career field, skill, unit, or grade; or (2) to meet some other condition or conditions of service imposed by the Secretary concerned.

b. Subsection (d) states, to receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies - (1) the amount of the bonus; (2) the method of payment of the bonus under subsection; (3) the period of obligated service; and (4) the type or conditions of the service.

//NOTHING FOLLOWS//