

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240008475

APPLICANT REQUESTS:

- an Exception to Policy (ETP) resulting in entitlement to payment of the Officer Affiliation Bonus (OAFB)
- to be awarded the Combat Action Badge
- personal appearance

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: ETP – reflective of the Headquarters, U.S. Army Reserve Commands inability to grant the applicant's request for an ETP;
 - payment of the OAFB was not conducted because the applicant was still serving under his initial statutory Military Service Obligation (MSO) at the time of his affiliation; Department of Defense Instruction (DoDI) 1304.34 requires Officers to complete all MSOs to be eligible for an OAFB;
 - U.S. Army Human Resources Command – Reserve Component Transitions failed to verify the applicant's eligibility for the OAFB
- The U.S. House of Representatives Letter – reflective of the applicant's congressional representatives expressed interest in the applicant's request for assistance
- DA Forms 2823 (Sworn Statement) – reflective of 2 individuals account of an combat event in Iraq involving the applicant on 12 October 2023; an explosion near the applicant's sleeping quarters where he was residing at the time; required to seek cover until the all clear order was given

FACTS:

1. Requests for retroactive award of the Combat Action Badge (CAB) must be forwarded to the Commanding General, U.S. Army Human Resources Command, ATTN: AHRC-PDO-PA, Alexandria, VA 22332-0471. This request must be on a DA Form 4187 (Personnel Action) if you are currently on active duty or in an active

status. If you are not on active duty or in an active status, then you may request this award by letter. All requests must contain the following:

- assignment, attachment, or operational control orders;
- a copy of your Officer Record Brief
- a copy of the chain of command endorsement
- a one-page narrative description of the qualifying incident
- a certified copy of the DD Form 214 (Certificate of Release or Discharge from Active Duty), if applicable; and supporting documentation

Since the applicant has not exhausted his administrative remedy for this award, the ABCMR cannot take any further action on this portion of your request at this time.

2. The applicant states in pertinent part that:

- on 2 April 2022 – he was appointed a Reserve commission after seven years of active duty and was subsequently assigned to a Troop Program Unit (TPU)
- contracted for a \$10,000.00 OAFB with a 3-year MSO
- graduated 46A (Public Affairs Officer) training in June 2023
- the incentive contract is void of any information pertaining to a requirement to complete the 46A training after the 8-year MSO is fulfilled
- everyone else in his unit received the Combat Action Badge but him

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

- on 26 May 2015 – the applicant enlisted in the Regular Army for 4 years with entitlement to a \$2,000.00 cash bonus
- on 1 March 2018 – the applicant reenlisted for 3 years
- on 22 October 2018 – the applicant was honorably released from the Regular Army and transferred into the U.S. Army Reserve (USAR) Control (Group) Individual Ready Reserve (IRR)
- on 23 October 2018 – after graduating from Officer Candidate School, the applicant was appointed a Regular Army commission as an Infantry Corps Officer
- on 1 April 2022 – the applicant was honorably released from the Regular Army and transferred into a unit within the USAR
- on 11 August 2023 (Orders Number BL-223-0001) – the applicant deployed to Kuwait on or about 18 August 2023, for a period not to exceed 329 days
- on 1 September 2023 (Orders Number 5881264) – announced the applicant's change of Area of Concentration (AOC) to reflect Public Affairs Officer, effective 23 June 2023

- on 13 May 2024 – released from active duty; DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects service in Iraq from 21 August 2023 – 19 March 2024

4. A review of the applicant's available service records is void of a DA Form 5261-7 (Selected Reserve Incentive Program – Officer Affiliation Bonus) or any other written agreement related to the OAFB.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation failing to show the applicant signed a DA Form 5261-7 or any other written agreement related to an OAFB, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military service 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. Department of Defense Instruction 1304.34 (General bonus Authority for Officers) establishes policy, assigns responsibilities, and prescribes procedures for the payment of a bonus, in accordance with Section 332 of Title 37, United States Code (U.S.C.), to persons, members, or officers who accept a commission or appointment as an officer in a Military Service or affiliate with a Reserve Component of a Military Service. Paragraph 3.1b. (Eligibility) provides that the Officer must sign a written agreement to serve for a specified period in a designated career field or meet some other condition of service imposed by the Secretary. Officers must not be currently serving a service obligation. Officers who have a service obligation are not eligible for bonus payment except if they have served their initial service obligation incurred at time of commissioning or appointment.
2. Department of Defense Instruction 7000.14-R (Financial Management Regulation) provides that in accordance with 37 U.S.C. Section 332(a)(2) and DoDI 1304.34, the Secretary concerned may pay an affiliation bonus to an eligible officer in the Military Department who enters into an agreement with the Secretary to serve, for the specified period in the agreement, in the Selected Reserve (SELRES) of the Ready Reserve (RR). The Officer must agree to serve in a critical skill designated by the Secretary of the Army (SECARMY). The Secretary will designate the officer skills to which the bonus authority is to be applied. A skill may be designated if it is critical to increase the number of members accessed who are qualified in that skill or are to be trained in that skill, or to mitigate a current or projected significant shortage of personnel who are qualified in that skill. An agreement entered into with the Secretary concerned will require the person entering into that agreement to serve in the SELRES for a specified period. The period specified in the agreement will be any period not less than 3 years that the Secretary determines appropriate to meet the needs of the Reserve Component (RC) in which the

service is to be performed. The maximum affiliation bonus may not exceed \$10,000.00 for a minimum 3-year service obligation.

3. USAR Selected Reserve Incentive Program (SRIP) Policy Number 22-00, 11 January 2022, applies to individuals entering into or currently serving in the Selected Reserve. This policy prescribes standards for administering the USAR SRIP for FY22. Paragraph 8 (Officer/Warrant Affiliation Bonus (OAFB)) provides the eligibility criteria for the OAFB as follows:

- bonus is restricted to grades O2 through O4 or WO1 through CW5 in critical AOCs/MOSs or priority units prescribed by the current SRIP
- eligibility criteria for transfers – Active Component to Reserve Component
- fewer than 15 years of active service when the written agreement is signed
- if reclassifying – 36 months to become qualified in the new AOC
- Officers/Warrant Officers transferring from the AC may complete their bonus agreements up to 180 days prior to or on their separation date, but not after; Officers/Warrant Officers transferring from the IRR may complete their bonus agreements before or on the date of their assignment, but not after
- Must have not previously received the OAFB
- Soldiers who were previous two (2) time non-select in any branch or component, or who are currently flagged are not eligible for the OAFB
- if electing the MSO Reduction, Soldiers may still receive a 3-year OAFB/WOAFB; the MSO may not be reduced to less than the 3-year OAFB commitment

a. Active Component Officer Candidate School graduates incur an 8-year MSO from the date of enlistment if enlistment is for OCS (non-prior service). Active Component Officers who commission during their initial MSO only incur a 3-year Active Duty Service Obligation.

b. Soldiers incur a three (3) year obligation term of service based on the effective date of assignment to a unit/AOC/MOS qualified position or the date awarded bonus AOC/MOS, whichever is later. Failure to remain in bonus AOC/MOS or unit throughout the entire bonus period may result in termination and recoupment of unearned bonus portion.

c. Paragraph 1 (Agreements/Addendums) provides that an applicant/Soldier must enter into an agreement outlining the terms and conditions for receiving an incentive. The service representative issuing the written agreement will explain the repayment requirements for failing to complete the period of obligated service or other conditions of service for which the incentive is paid. Execute agreements on or before any obligated service period. Valid agreements will contain all required signatures, dates, bonus control numbers, constructed and printed from authorized systems. Soldiers must

complete the appropriate incentive documents as part of the enlistment agreement before or on their date of assignment. Bonus agreements signed after their assignment date are not eligible for any bonus payments.

d. Direct appointment officers incur an 8-year MSO from the date of appointment (non-prior service). Direct appointment of officers with prior service incur a 6-year contractual obligation that will run concurrently with the 8-year initial MSO if under 2-years of enlistment contract was served. The 6-yr obligation will extend past the initial MSO if over 2-years of the enlistment contract was served

4. Army Regulation 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements), Chapter 2 (Service Obligations) provides that the statutory MSO is incurred on Initial Entry into the Armed Forces whether by induction, enlistment or appointment. After 1 June 1984, all Soldiers incurred an 8-year statutory MSO.

5. Army Regulation 600-8-22 (Military Awards) provides that award of the Combat Action Badge (CAB) is not automatic. Specific eligibility requirements include:

- may be awarded to any Soldier
- a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement in an area where hostile fire pay or imminent danger pay is authorized
- a Soldier must also be executing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy

a. Requests for retroactive award of the CAB will not be entertained except where evidence of injustice is presented. The first general officer in the chain of command may disapprove retroactive requests for award of the CAB. Veterans and retirees may submit requests for retroactive award of the CAB to Commanding General, U.S. Army Human Resources Command (AHRC – PDP – A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122 – 5408.

b. Table H-1 (Combat Badges) provide that Soldiers redeployed more than 12 months or reassigned to a command other than their wartime command must submit their request through command channels to Commanding General, U.S. Army Human Resources Command (AHRC – PDP – A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122 – 5408, for processing. Eligible veterans and retirees may submit a request directly to the Commanding General, U.S. Army Human Resources Command at the same address.

6. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it

states in paragraph 2-11 that applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//