

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20240008490

APPLICANT REQUESTS: payment of entire Non-Prior Service Enlistment Bonus (NPSEB) dated 8 December 2007.

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) dated 8 December 2007, showing the applicant enlisted in the Texas Army National Guard (TXARNG) for 6 years
- NGB Form 600-7-1-R-E (Annex E to DD Form 4 - Non-Prior Service Enlistment Bonus (NPSEB) Addendum - Army National Guard (ARNG) of the United States) dated 8 December 2007, which shows:
 - He would receive a \$20,000.00 NPSEB for non-critical skill military occupational specialty (MOS) 31B (Military Police); and
 - His first payment of 50 percent would be paid when he completed Initial Active Duty Training (IADT) and he was awarded the MOS for which he enlisted
 - The second 50 percent would be paid on the 36th-month anniversary of his enlistment date
 - He would be terminated from bonus eligibility with recoupment if he voluntarily transferred into a non-critical skill MOS or transferred from the unit for which the bonus was awarded upon enlistment
 - Recoupment will be calculated from the date of transfer
- Orders Number 285-1019 dated 12 October 2010, released the applicant from his Unit Identification Code (UIC) and transferred him to a new UIC, and slotted him in MOS 31E (Internment/Resettlement Specialist) from his contracted MOS 31B, effective 19 September 2010
 - The assign/loss reason on the order shows “commuting distance (change of residence) (CD)”

- Orders Number 269-1049 dated 25 September 2012, awarded the applicant primary MOS 31E and secondary MOS 31B, effective 22 September 2012
- Military Service Record documents reflecting his military service

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:

- He was not given his second half of his enlistment bonus
- He received a letter from the National Guard Bureau (NGB) to provide documents in order to receive the rest of his enlistment bonus, which includes his enlistment documents (DD Form 4 or DA Form 4836), his Bonus Addendum, discharge orders, and DD Form 214 or NGB Form 22
- He has gathered all documents required and he is requesting to get the other half of his enlistment bonus that was not paid to him

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

- On 8 December 2007, the applicant enlisted in the TXARNG for 6 years; in connection with his enlistment, NGB Form 600-7-1-R-E shows:
 - He would receive a \$20,000.00 NPSEB for non-critical skill military occupational specialty (MOS) 31B (Military Police)
 - His first payment of 50 percent would be paid when he completed IADT and was awarded the MOS for which he enlisted
 - Second 50 percent would be paid on the 36th-month anniversary of his enlistment date
 - He would be terminated from bonus eligibility with recoupment if he voluntarily transferred into a non-critical skill MOS or transferred from the unit for which the bonus was awarded upon enlistment
 - Recoupment will be calculated from the date of transfer
- On 18 August 2009, he entered IADT
- On 13 November 2009, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was released from IADT and was transferred to the ARNG of Texas; item 11 (Primary Specialty) shows MOS 31B
- On 12 October 2010, Orders Number 285-1019 transferred the applicant from his current UIC to a new UIC and slotted him in MOS 31E from his contracted MOS

31B, effective 19 September 2010; the assign/loss reason shows “commuting distance (change of residence) (CD)”

- On 25 September 2012, Orders Number 269-1049 awarded the applicant primary MOS 31E and secondary MOS 31B, effective 22 September 2012
- On 7 December 2013, he was released from the ARNG and was transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training)
- On 8 December 2015, Orders Number D-12-525266 honorably discharged the applicant from the USAR, effective 8 December 2015

4. On 23 April 2025, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended disapproval. The NGB official stated:

a. The applicant, a member of the TXARNG enlisted for 6 years as a 31B10, with a NPSEB incentive of \$20,000.00 on 8 December 2007. The bonus was to be paid in two installments, the first 50 percent installment would be processed for payment upon completion of IADT, and upon being awarded the MOS for which he enlisted. The final 50 percent installment would be processed for payment on the 36th month anniversary of his enlistment date.

b. A review of the applicant’s ABCMR claim was conducted by the TXARNG and concluded that the applicant’s incentive addendum was terminated with recoupment due to the applicant transferring to a new unit identification code (UIC) on 19 September 2010 and slotted in a different MOS than the MOS he contracted for. The applicant’s order shows that his transfer was voluntary and not command directed.

c. The applicant’s NPSEB addendum contract (E07120044TX), section VI (Termination with Recoupment) paragraph 6, states that the NPSEB incentive will be terminated if the Soldier voluntarily transfer into a non-critical skill MOS or transfer from the unit for which the bonus was awarded upon enlistment. Recoupment will be calculated from the date of transfer.

d. It is the recommendation of this office that the Soldier’s NPSB contract remain terminated with recoupment, and no additional payments should be made. This office finds that the Soldier was clearly in violation of the of the addendum when he voluntarily transferred to transferred to a new UIC on 19 September 2010 and was slotted in a different MOS than the MOS he contracted for.

e. The opinion of this office was coordinated with the TXARNG Incentive Office.

5. On 28 April 2025, the applicant was provided a copy of the NGB advisory opinion to allow for comments or rebuttal. He did not respond.

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. Upon review of the applicant's petition and available military records, the evidence shows the applicant enlisted in the Army National Guard on 8 December 2007 for 6 years as a 31B10, with a NPSEB incentive of \$20,000.00. The Board concurred with the advisory official who found that the applicant was clearly in violation of the of the addendum when he voluntarily transferred to transferred to a new UIC on 19 September 2010 and was slotted in a different MOS than the MOS he contracted for; therefore, the Board determined there was no error or injustice and 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
XX	XX	XX	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//

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 (USC), 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. Title 31, USC, section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, USC, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.

3. Department of Defense Instruction 1205.21 (Reserve Component Incentive Programs Procedures) requires each recipient of an incentive to sign a written agreement stating the member has been advised of and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive to the member.

4. Title 37, USC, section 331 (General bonus authority for enlisted members), provides that 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; or under other conditions of service in an armed force

a. Subsection (d) — Written Agreement states, to receive a bonus under this section, a person or member 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 (c)(2); (3) the period of obligated service; and (4) the type or conditions of the service.

b. Subsection (g) — Repayment states, a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the

conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

5. Department of Defense 7000.14R, Financial Management Regulation, Volume 7A, Chapter 2, dated February 2024, establishes policy pertaining to the repayment of unearned portions of bonuses and other benefits. Paragraph 3.1 (Conditions under which repayment will be sought) states, when the conditions of a written agreement are not fulfilled and repayment is determined appropriate, the member will be required to repay the United States the unearned portion of a pay or benefit. In cases other than death of a member, the Secretary of the Military Department concerned will advise Defense Finance and Accounting Service of the disposition of any unearned portion of a pay or benefit.

//NOTHING FOLLOWS//