

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2025

DOCKET NUMBER: AR20240008539

APPLICANT REQUESTS: in effect, reimbursement for Non-Prior Service Enlistment Bonus (NPSEB) debt payment made to the Defense Finance and Accounting Service (DFAS).

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Form 600-7-1-R-E (Annex E to DD Form 4 – NPSEB Addendum), 6 March 2014, which states, he would receive an NPSEB in the total amount of \$7,500.00, paid in three installments
- Orders Number 355-1031, 21 December 2018, which shows he was transferred to a unit within the Pennsylvania Army National Guard (PAARNG) in accordance with State laws or regulations, effective 21 December 2018; Additional Instructions state "SRIP [Selected Reserve Incentive Program]: YES Termination: No"
- Honorable Discharge Certificate dated 5 March 2020, showing he was honorably discharged from the PAARNG
- NGB Form 22 (Report of Separation and Record of Service) ending on 5 March 2020, which shows:
 - he enlisted in the PAARNG on 6 March 2014
 - on 5 March 2020, he was transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training), by reason of expiration of active status commitment in the Selected Reserve (SELRES)
 - he completed 6 years net service this period
- Order Number 0000270516.00 dated 19 March 2020, which shows he was transferred to the USAR Control Group (Individual Ready Reserve), effective 6 March 2020
- NGB Form 23B (ARNG Retirement Points History Statement) prepared on 29 April 2020, which shows, in relevant part, he has 6 years creditable service for Retired Pay
- Orders Number D-03-205428 dated 8 March 2022, which shows he was honorably discharged from the USAR, effective 8 March 2022

- DFAS final notice of indebtedness to the U.S. Government dated 28 May 2024, which notified him that a debt due to recoupment of the unearned portion of his National Guard Bonus was referred to DFAS Debt Collection Management; his unit reported he satisfactorily performed 57 months of his contract
 - Total Balance Due shows \$1,568.34

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 part:

- He received a debt letter from DFAS regarding debt for recoupment of unearned portion of a National Guard Bonus
- His unit reported he satisfactorily performed 57 months of his contract
- He completed all 72 months of his contract from 2014-2020 and just received this letter for the first time in 2024
- He has reached out to DFAS who gave him contacts for U.S. Property and Fiscal Office (USPFO) who told him that it was an error, and he needed to file through the ABCMR because his old units do not have his files anymore
- He was also told by DFAS and USPFO to pay the balance now to avoid his credit taking a negative hit because the process can take longer than DFAS marking it delinquent
- He believes the 57 months was calculated only from his time in his first unit, 28th Infantry Division; he was transferred to 55th Maneuver Enhancement Brigade (MEB) after he came back from deployment with the same Military Occupational Specialty (MOS) due to a promotion and he believes they did not capture those 15 months
- He made a payment of \$1,568.34 to DFAS to not have it reported adversely on his credit

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

- On 6 March 2014, he enlisted in the PAARNG for 6 years in connection with his PAARNG enlistment he completed and signed NGB Form 600-7-1-R-E, which states in pertinent part:
 - He was enlisting for 6 years and will receive a total bonus in the amount of \$7,500.00 less taxes in MOS 14G (Air Defense Battle

Management System Operator) and the bonus will be paid in three installments

- The first 50 percent will be processed upon successful completion Advanced Individual Training (AIT)
 - The second 25 percent payment will be processed on the third year anniversary of his date of enlistment
 - The final 25 percent payment will be processed on the fifth year anniversary of his date of enlistment
- On 19 August 2014, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he entered active duty. He completed 7 months and 13 days net active service this period and was released from active duty and transferred to his PAARNG unit. Item 11 (Primary Specialty) shows MOS 14G10
 - Orders Number 355-1031 dated 21 December 2018 shows, in pertinent part:
 - The applicant was transferred to the 55th MEB to be a team leader within the PAARNG, effective 21 December 2018; his rank was listed as sergeant (SGT)
 - Additional Instructions state "SRIP: YES Termination: No"
 - Assign/loss reason: in accordance with State laws or regulations (IA)
 - MOS: 14G20
 - On 5 March 2020, NGB Form 22 shows in pertinent part:
 - 6 March 2014, he enlisted in the PAARNG
 - 5 March 2020, he was transferred to the USAR Control Group (Annual Training), by reason of expiration of active status commitment in the SELRES
 - he completed 6 years net service this period
 - Orders Number D-03-205428 dated 8 March 2022, honorably discharged the applicant from the USAR, effective 8 March 2022
 - Order Number 0000270516.00 dated 19 March 2020, shows he was transferred to the Individual Ready Reserve, effective 6 March 2020
 - NGB Form 23B prepared on 29 April 2020, shows in relevant part, he has 6 years creditable service for Retired Pay

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The evidence of record shows the applicant enlisted in the ARNG on 6 March 2014 for 6-years with entitlement to a NPSEB in the amount of \$7,500.00. He was honorably released from the ARNG on 5 March 2020 after completion of 6-years of net service. His record is void of evidence showing he was an unsatisfactory participant or that he had violated his NPSEB contract. Therefore, the Board granted relief.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by showing the applicant fulfilled the 6-year requirement for his NPSEB and DFAS reimbursed the applicant for the debt collection in the amount of \$1,568.34 as a result of this correction.

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, 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. Department of Defense Instruction (DODI) 1205.21 (Reserve Component Incentive Programs Procedures), in effect at the time, 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.
3. National Guard Regulation 600-7 (Selected Reserve Incentive Programs (SRIP)) governs policies and procedures for the administration of the ARNG SRIP programs.
 - a. Paragraph 2-1 states, under the provisions of Title 37, USC, section 308c, this incentive is offered to applicants who have not previously served in the armed forces who enlist in the SELRES of an armed force for a period of not less than three years.

Applicant must agree to serve in a critical military skill designated for such an incentive by the Secretary concerned and execute a written agreement to serve as an enlisted member in the SELRES. Applicant must meet the eligibility criteria for enlistment as a Non-prior service (NPS) applicant as prescribed by governing law, DODI, Department of the Army, ARNG regulations or as outlined in the current fiscal year SRIP Policy.

b. Paragraph 2-2 states, entitlement for an incentive begins on the date the oath of enlistment is rendered. The unit Commander must ensure that Soldiers are counseled when they enlist, acknowledging that they will not immediately receive payments under this program. Payments will be processed through personnel pay channels upon verification of all contractual documentation and if the terms and conditions outlined in the incentive agreement are met.

//NOTHING FOLLOWS//