

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 April 2025

DOCKET NUMBER: AR20240008582

APPLICANT REQUESTS: payment of the remainder of her Reenlistment Bonus (REB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment)
- National Guard Bureau (NGB) Form 600-7-3-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum Army National Guard of the United States (ARNGUS) showing she extended for 6 years with entitlement to a \$10,000.00 bonus
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 26 July 2016
- [REDACTED] Army National ([REDACTED] ARNG) Office of the Adjutant General Orders Number 192-029 which discharged her due to hardship

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:

- The NGB conducted a records audit and determined she may not have received her entire REB
- REB Control Number R1300023FL
- She received a memorandum from the NGB which stated she needed to apply to the ABCMR

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

- On 25 June 2008, she enlisted in the ARNGUS

- On 2 February 2009, she was ordered to initial active duty for training to attend Basic Combat Training and Advanced Individual Training by Orders Number 8276005 dated 2 October 2008
- On 29 May 2009, she was honorably released from active duty and awarded Military Occupational Specialty (MOS) 68W (Health Care Specialist) and reverted to ARNG control
- On 27 October 2013, she extended her enlistment in the ARNG for 6-years for a contract to begin on 25 June 2014 which changed her Expiration Term of Service (ETS) to 24 June 2020; in conjunction with this extension NGB Form 600-7-3-R-E was completed which stated:
 - She was duty qualified in MOS 68W
 - Extended for 6 years for a total REB in the amount of \$10,000.00
 - First 50 percent to be paid the day after her current ETS date
 - Second 50 percent to be paid on her fourth contract anniversary year
 - REB will be terminated with recoupment if she had two consecutive record Army Physical Fitness Test failures or two consecutive failures to meet body fat standards
 - REB will be terminated without recoupment if she was discharged due to hardship
- On 31 July 2015, she was ordered to active duty in support of Operation Enduring Freedom – Horn of Africa by Orders Number 119-094 dated 7 July 2015
- On 26 July 2016, she was honorably released from active duty and reverted back to ARNG control
- On 11 July 2018, she was honorably discharged from the ARNG due to dependency or hardship which includes parenthood or sole parents affecting the Soldier's immediate family, Orders Number 192-029 dated 11 July 2018, shows her discharge was due to hardship or religious reasons

4. On 15 April 2025, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for payment of the remainder of her REB. The advisory official recommended disapproval of her request. The applicant reenlisted into the [REDACTED] ARNG for the 6-Year REB for the period of 25 June 2014 through 24 June 2020, in the amount of \$10,000.00. The REB was to be processed in two installments. The first 50 percent REB payment will be processed the day after the current ETS. The second 50 percent REB payment will be processed on the fourth year anniversary of REB contract start date provided installment one was previously processed. The Guard Incentive Management System shows that she received the first installment of her REB of in the amount of \$5,000.00 on 25 June 2014. She was flagged for height and weight on 8 April 2018 and later discharged on 11 July 2018 due to hardship. Her contract was terminated without recoupment the day after she was discharged. Based on her being

flagged for height and weight and the fact that she did not complete her contract, the NGB determined that she was not eligible for the second installment of her REB. The [REDACTED] ARNG does not concur with this recommendation.

5. The [REDACTED] ARNG stated it appeared she was entitled to the full second payment of her REB in the amount of \$5,000.00 which was due on 25 June 2018. She was discharged on 11 July 2018 for a hardship. Since the full payment was due prior to the discharge date, had she received the payment on time, it would have been received prior to her discharge from the [REDACTED] ARNG. Her contract was terminated for an early discharge for reason of a hardship with a separation code of HA resulted in termination without recoupment. Therefore, the payment should be made based on the date of eligibility and the contract was terminated without recoupment.

6. On 17 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Board concurs with the opinion of the [REDACTED] ARNG. It does appear she was entitled to the full second payment of her REB in the amount of \$5,000.00 which was due on 25 June 2018. She was discharged on 11 July 2018 for a hardship. Since the full payment was due prior to the discharge date, had she received the payment on time, it would have been received prior to her discharge from the [REDACTED] ARNG. Her contract was terminated for an early discharge for reason of a hardship with a separation code of HA resulted in termination without recoupment. Therefore, the payment should be made based on the date of eligibility; the contract was terminated without recoupment.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

██████████	██████████	██████████	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 records of the individual concerned be corrected by paying the applicant of the remainder of her Reenlistment Bonus (REB).

5/6/2025

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:

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. National Guard Regulation (NGR) 600-7 (Selective Reserve Incentive Programs) prescribes policies and procedures for the administration of the ARNGUS incentive programs.
 - a. Paragraph 1-12 (Obligation), an enlisted Soldier must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.
 - b. Paragraph 1-22 (Suspension of Incentives), Recipients of an incentive(s) will be suspended from the program during authorized periods of nonavailability. Incentive pay is not authorized for periods of non-availability, such as a Soldier who has a suspension of favorable personnel action (flag) initiated will not be processed for an initial or anniversary payment. Incentive payment(s) will be processed effective on the date the suspension is lifted, provided the Soldier is eligible. Payment date(s) of original entitlement date will not be updated to date of flag removal. This excludes flags for the Army Physical Fitness Test failure or failure to meet body fat standards.
 - c. Paragraph 1-24 (Termination), a. A Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation applies. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. b. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. c. The unit commander or an authorized unit representative will initiate termination procedures when a Soldier is terminated from an incentive.
 - d. Paragraph 1-26 (Termination without recoupment), the conditions under which termination without recoupment of incentives is warranted and also the applicable program chapters and sections of this regulation. The effective date of the termination will be the effective date of the action. Payments due prior to the effective date will be paid to the Soldier. Payments due after the effective date of the action will be canceled and will not be paid to the Soldier. Discharged due to hardship reasons. The termination date is the date of discharge.

3. Title 37 USC, section 331 (General bonus authority for enlisted members), (a 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
- under other conditions of service in an armed force

//NOTHING FOLLOWS//