

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 September 2025

DOCKET NUMBER: AR20240008607

APPLICANT REQUESTS:

- Reinstatement of his Bonus
- Remission and Repayment of his Bonus Debt

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

- DD Form 149 (Application for Correction of Military Record)
- Attendance date from 4 December 2022 and 25 July 2023
- Leave and Earnings Statement (LES)
- Memorandum from Commander
- Sworn Statements from Sergeant First Class (SFC) D- C. C- and Sergeant (SGT) J- A. D-

FACTS:

1. The applicant states, in pertinent part:

- He was coded as "U" (unexcused absence) during his 21 through 23 July 2023 duty; however, he was present and accounted for by his leadership
- This AWOL resulted in forfeiture of his enlistment bonus and a large debt on his LES
- This debt was recouped, during his May 2024 duty and his June 2024 Annual Training
- During his December 2022 duty, he was coded "M" when he was actually unable to drill due to not taking the COVID vaccine
- During the time he was on non-drillable status due to the policies from July 2022 through January 2023
- He believes his records are in error due to the lack of accountability within leadership roles
- At the time, he was new to the unit and they were under the supervision of a readiness noncommissioned officer (NCO) who was on the verge of retirement
- The NCO did not care to do the job correctly resulting in many issues among the unit

- He has not been informed of having any periods of unsatisfactory performance
- Regarding his code "M" in December 2022, he has a memorandum from his commander stating the error and why it was made

2. The applicant provides and his service record shows:

- On 8 March 2019, the applicant enlisted in the Army National Guard (ARNG)
- On 8 March 2019, he completed a non-prior service bonus addendum, which shows he was eligible for a bonus in the amount up to \$20,000; he signed stating he understood the suspension and termination rules
- From 3 to 4 December 2022 his attendance code was M
- From 21 to 23 July 2023 his attendance code was U
- On 1 May 2024, he received an LES that shows his enlistment bonus debt of \$1,555.55 effective 22 August 2023
- On 6 May 2024, his commander submitted a memorandum for record stating the applicant was incorrectly coded as U and M; the applicant was present for the units July 2023 training and should have been coded P; the applicant was a COVID vaccine refusal and was not actively drilling with the unit in December 2022 and should have been coded A
- Sworn statements from SFC D- C. C- and SGT J- A. D-, 3 June 2024, state the applicant was present for duty in July 2023
- On 7 March 2025, he was honorably transferred to U.S. Army Reserve Control Group (Reinforcement)
- On 1 July 2025, orders were published voluntarily transferring him to U.S. Army Reserve Control Group (Reinforcement), effective 8 March 2025
- There was no evidence in his service record regarding termination or recoupment of his bonus

3. On 15 May 2025, the Chief, Special Actions Branch, National Guard Bureau (NGB), provided an advisory opinion, which states, in pertinent part:

- NGB recommended approval of the applicant's request
- The applicant enlisted in the Indiana ARNG with a \$20,000 bonus on 8 March 2019 to 7 March 2025
- Eligibility dates of payments were to be \$10,000 on 23 August 2019 and \$2,000 annually from 23 August 2020 to 23 August 2024
- The applicant received \$16,000 of payments
- He was incorrectly marked U for 21 to 23 July 2023 when he was present for duty
- This resulted in the loss of his bonus effective 21 July 2023 for unsatisfactory participation and \$1,555.56 was recouped and \$4,000 in payments were cancelled

- He additionally was coded M for duty in December 2022 when he was unauthorized to participate for COVID-19 vaccine refusal
- He provided sworn statements which state he was present for duty in July 2023 and a memorandum from his commander regarding the inaccurate coding in July 2023 and December 2022
- The Indiana ARNG states the sworn statements and commander's memorandum are sufficient but cannot change the applicant's status without a Board decision
- NGB recommends the applicant's request be approved
- The Indiana ARNG provided input for the advisory opinion and stated they were prepared to make corrections if the Board approves them

4. On 16 May 2025, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

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 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.

NPSEB Grant: The evidence of record shows the applicant enlisted in the ARNG on 8 March 2019 with entitlement to a \$20,000.00 NPSEB. The Board was compelled by the memorandum provided by the applicant's immediate commander stating he was coded improperly for unit attendance. Furthermore, the Board concurred with the NGB advisory which further supports the commander's memorandum of improper coding. Therefore, the Board found the evidence confirms the applicant was eligible to receive the remaining portion of his NPSEB in the amount of \$4,000.00. The Board defers to the Defense Finance and Accounting Service (DFAS) for calculation of payment.

Remission and Repayment of his Bonus Debt: The Board found that due to the applicant being coded improperly he was indebted to DFAS in the amount of 1,555.56 which was improperly assessed. Therefore, the Board determined the applicant's debt in the amount of \$1,555.56 should be cancelled and all monies paid by the applicant be reimbursed. The Board defers to DFAS for the debt cancellation and reimbursement of monies paid by the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XX	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's remaining NPSEB in the amount of \$4,000.00 was restored, and the appropriate office timely received this information and paid the NPSEB.

Additionally, as a result of the Board decision his debt to DFAS in the amount of \$1,555.56 is cancelled and all monies paid towards the debt reimbursed to the individual.

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. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) states the Army, by law, may pay claims for amounts due to applicants as a result of correction of military records. The ABCMR will furnish the Defense Finance and Accounting Service (DFAS) copies of decisions potentially affecting monetary entitlement or benefits. The DFAS will treat such decisions as claims for payment by or on behalf of the applicant and settle claims on the basis of the corrected military record. The applicant's acceptance of a settlement fully satisfies the claim concerned.
2. Army Regulation 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active-duty Soldiers. It is used in conjunction with the Department of Defense (DoD) Financial Management Regulation (FMR), Volume 7A. For the purpose of this regulation, active duty is defined in accordance with Title 37, United States Code (37 USC). The term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary of the Army (SECARMY).
3. Title 10 (Armed Forces), United States Code (USC), section 1552 (c)(1) states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.
4. On 24 August 2021, the Secretary of Defense mandated that all service members receive the COVID-19 vaccine. The Secretary of Defense later rescinded the mandate on January 10, 2023. It states, "the vaccine mandate was an unfair, overbroad, and completely unnecessary burden on our service members. Further, the military unjustly discharged those who refused the vaccine, regardless of the years of service given to our Nation, after failing to grant many of them an exemption that they should have received. Federal Government redress of any wrongful dismissals is overdue".
5. On 27 January 2025, President Donald J. Trump signed Executive Order (EO) 14184, ""Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate."
6. On 6 February 2025 the Secretary of Defense issued Memorandum, "Providing Remedies for Service Members and Veterans Negatively Impacted by the Department's Defunct Coronavirus Disease 2019 Vaccination Mandate Based Executive Order."

7. On 1 April 2025 the Office of the Under Secretary of Defense issued a Memorandum for Secretaries of the Military Departments, "Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements." It provides:

a. As directed by the Secretary of Defense, the Department of Defense shall take all actions necessary to make reinstatement available to all members of the military (Active and Reserve Components) who were discharged solely for refusal to receive the coronavirus disease 2019 (COVID-19) vaccine and who request to be reinstated. The Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntary left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate, consistent with this guidance.

b. In cases where the Service member was involuntarily separated, the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record as described in the guidance.

c. The BCM/NRs will give COVID-19 reinstatement cases priority consideration, subject to existing statutorily specified priority consideration for post-traumatic stress disorder, traumatic brain injury, and military sexual trauma.

d. The BCM/NRs, using the attached guidance in the memorandum, will assess each case to determine if an error or injustice exists within the former Service member's record and order all appropriate records corrections, which may include but is not limited to reinstatement with no break in service, restoration of the member's previous grade or rank, and credit for lost service time due to separation.

8. On 7 May 2025 the Office of the Under Secretary of Defense issued a Memorandum for Secretaries of Military Departments, "Supplemental Guidance to the Military Department Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests from Service Members Adversely Impacted by Coronavirus Disease 2019 Vaccination Requirements." It provides:

a. On January 27, 2025, the President issued reference (a), concerning the Department of Defense's since-rescinded coronavirus disease 2019 (COVID-19) vaccination mandate, which was unlawful as implemented, and "an unfair, overbroad, and completely unnecessary burden" on Service members. The Secretary of Defense has taken decisive action to execute the President's guidance to correct this injustice:

(1) All former Service members discharged solely for refusing to receive the COVID-19 vaccine may pursue reinstatement in the military, and be considered for eligibility to receive backpay; and

(2) Former Service members who attest that they voluntarily left the military or allowed their service to lapse according to appropriate procedures due to the military's previous COVID-19 vaccination mandate may pursue a return to military service.

b. In addition, some Service members were separated with less than a fully honorable discharge characterization for their refusal to take a COVID-19 vaccine, depriving them of veterans' benefits. Other Service members, who remained in service and requested religious, administrative, or medical accommodations related to the COVID-19 vaccine requirement, may still have adverse information in their records connected to those requests.

c. To remedy these harms, on April 23, 2025, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to issue additional guidance to the Military Department Review Boards concerning the review of requests from Service members and former Service members adversely impacted by the COVID-19 vaccine mandate. The following is directed:

(1) The Secretaries of Military Departments will, through their Boards for Correction of Military/Naval Records, continue to apply guidance, which was issued to facilitate the reinstatement or return of eligible individuals who wish to continue their military service.

(2) Carefully consider claims by individuals who filed formal requests for administrative or medical accommodation, including requests for religious accommodation, related to the Department's previous COVID-19 vaccine mandate, yet continued to serve. Adverse actions in a Service member's records solely associated with their refusal to take a COVID-19 vaccination or seek an exemption from that COVID-19 vaccine mandate should be removed.

d. This guidance is not intended to interfere with or impede the BCM/NRs' statutory independence, nor does it limit the Boards from considering additional claims related to harms caused by the Department's previous COVID-19 vaccine mandate and providing appropriate remedies.

e. Discharge Upgrade Requests:

(1) Service members who were involuntarily separated solely for refusing to be vaccinated, did not receive the same treatment across the Department. While some Service members were assigned "honorable" discharge characterizations, others

received “general (under honorable conditions)” characterization and as a result, lost access to important educational benefits under the Post-9/11 GI Bill and the Montgomery GI Bill, and potentially other veterans benefits.

(2) To correct this injustice and enhance uniformity across the Military services, the Review Boards should generally grant a discharge upgrade request from a former Service member when:

- The former Service member was involuntarily separated
- The separation was based solely on a refusal to receive the COVID-19 vaccine; and
- There are no aggravating factors in the Service member’s record, such as misconduct

(3) Review Boards should normally grant requests to upgrade the characterization of service to “honorable,” change the narrative reason for enlisted separation (i.e., to “Secretarial Authority”), and change the reentry code to an immediately-eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect.

(4) If an applicant’s military records reflect multiple reasons for involuntary separation (i.e., when separation was not solely due to the fact that the former Service member refused to receive the COVID-19 vaccine), the Review Boards should apply existing policies that require the former Service member to establish evidence of an error, impropriety, inequity, or injustice in their discharge in order to warrant relief.

f. Removal of Adverse Actions and Information Solely Associated with COVID-19 Vaccine Mandate:

(1) The Department’s COVID-19 vaccine mandate also caused harms that were not reflected on separation documents. For instance, some Service members received administrative letters of reprimand, negative or inconsistent evaluations, or withholding of opportunities for Reserve Component personnel to perform inactive duty training for pay to achieve a “good year” for participation and retirement purposes.

(2) While previous guidance required the Secretaries of the Military Departments to update Service member personnel records to remove adverse actions solely associated with denials of requests for exemption from the COVID-19 vaccine mandate on religious, administrative, or medical grounds, this relief should not have been limited to Service members who formally filed an exemption request. The inadequacy of the consideration afforded to those who submitted accommodation requests undermined the faith of many Service members, and they should not be penalized for deciding not to request an exemption that had little or no likelihood of success.

(3) To ensure that present and former Service members are not penalized for pursuing religious and other exemptions to the COVID-19 vaccine mandate in good faith, the BCM/NRs will carefully consider applications by individuals who request correction of records containing adverse information or reflecting adverse action solely associated with a request for exemption from the COVID-19 vaccination mandate, or with appeals of denials of such requests. Additionally, any present or former Service member who attests that they would have filed a request for exemption from the COVID-19 vaccine mandate were it not for the Department's very high rate of disapproval of such requests shall be evaluated as if they had requested, and been denied, such an exemption.

(4) If adverse information associated solely with a request for exemption from the COVID-19 vaccination mandate is found within an applicant's official military personnel file, the BCM/NR should, as appropriate, exercise its broad discretion to assess the potential impact on the Service member's career and correct impacted personnel records appropriately.

g. Other Harms or Injustices Suffered by Service Members Not Specifically Addressed in this Guidance:

(1) Present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance. Adverse action may include the overt withholding of favorable personnel actions, including such actions as removing individuals from approved lists to attend training or professional military education, to assume leadership positions, or to conduct a permanent change of station transfer on schedule.

(2) Many Service members may have been denied these opportunities while waiting for the adjudication of their administrative or medical exemption requests. Even more concerning, some have reported that they were pressured to voluntarily separate from the military due to their COVID-19 vaccine status, even while awaiting adjudication of their exemptions.

(3) The BCMR/NRs should exercise broad discretion in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department's COVID-19 vaccine mandate.

9. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled based on this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.

10. National Guard Regulation 600-7 (Selected Reserve Incentives Programs (SRIP)) in effect at the time, prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs; SLRP.

a. Paragraph 1-9 (Educational Requirements), the Enlistment Bonus (EB) and the Student Loan Repayment Program (SLRP) incentives may be granted to Soldiers who meet the educational eligibility criteria and who have the credentials of a secondary school graduate as defined in the glossary under educational levels.

b. Paragraph 1-21 (Continued receipt of incentives), a. A Soldier may be eligible for continued receipt of incentive(s) when the following conditions apply: (14) SLRP incentives: Enlisted Soldiers who enter an authorized commissioning program as a non-scholarship recipient and/or accept an appointment or commission as an officer or warrant officer in a SELRES may continue to receive SLRP payments as stipulated in their original contract so long as they remain otherwise qualified.

c. Paragraph 1-22 (Suspension of incentives), Subparagraph f, participants in receipt of a scholarship will be suspended from the SLRP while : (1) Participating in the SMP, effective on the start date of order to the course. (2) Participating in the receipt of the ROTC advanced scholarship effective on the date the class started. (3) Soldiers that do not receive an ROTC scholarship or are in a non-scholarship status will remain eligible and will not be suspended for the SLRP provided they continue to perform military duties as specified in their original contract. (4) Soldier must provide the State Incentive Office (SLRP/incentive Manager) a DA Form 597 (Army Senior Reserve Officers Training Corps (ROTC) Non-scholarship Cadet Contract) to support non-scholarship status.

d. Paragraph 1-25 (Termination with Recoupment of Incentives), *b.* Termination with recoupment is defined as termination of the incentive with Soldier is entitled to a prorated incentive amount based on the number of months served satisfactorily prior to the incentive termination date. The Soldier may be required to pay funds back to the government or the Soldier may be entitled to a payment. Termination with recoupment will occur, if a Soldier becomes an unsatisfactory participant, accumulates nine or more unexcused absences within a 12-month period or fails to attend or is absent one day of annual training without the approval of the commander effective on the date on which the Soldier fails to report for, the termination date is the date of the first unexcused absence.

//NOTHING FOLLOWS//