

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 September 2025

DOCKET NUMBER: AR20240010214

APPLICANT REQUESTS: payment of the unpaid portion of his Non-Prior Service Enlistment Bonus (NPSEB) in the amount of \$10,000.00.

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 4 June 2009
- NGB Form 600-7-1-R-E (Annex E to DD Form 4 Non-Prior Service Enlistment Bonus Addendum Army National Guard), dated 4 June 2009
- Orders Number 131-0004, dated 11 May 2015
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 27 June 2015

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 pertinent part, he received a letter notifying him that he may be entitled to unpaid bonus incentive payments from his NPSEB bearing Control Number E09060006XX.
3. A review of the applicant's service record shows the following:
 - On 4 June 2009, he enlisted in the Virginia Army National Guard (VAARNG). In conjunction, NGB Form 600-7-1-R-E was signed, bearing Bonus Control Number E09060006XX, entitling him to a \$10,000.00 NPSEB for a 6-year service term, paid in three installments; the first 50 percent processed upon completion of initial active duty training and verification of military occupational specialty, the second 20 percent installment on the third-year anniversary, and the final 30 percent installment processed on the sixth-year anniversary

- On 15 March 2015, a Physical Evaluation Board convened finding him physically unfit with a recommended rating of 70 percent permanent disability retirement
- Orders Number 131-0004, dated 11 May 2015 was issued for release from duty and assignment because of physical disability incurred while entitled to basic pay and under conditions that permit retirement for permanent physical disability effective 27 June 2015
- DD Form 214, ending 27 June 2015 reflects honorable retirement for disability, permanent with service from 21 January 2014 to 27 June 2015
- NGB Form 22 (Departments of the Army and the Air Force National Guard Bureau Report of Separation and Record of Service), dated 27 June 2015 reflects honorable retirement and placement on the permanent disability retired list from the VAARNG with service from 4 June 2009 to 27 June 2015

4. On 2 April 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending partial approval of the applicant's request stating, in pertinent part:

a. He enlisted in the VAARNG with a \$10,000.00 MOSQ bonus for 4 June 2009 to 3 June 2015 signed 4 June 2009. Bonus was established in the Guard Incentive Management System (GIMS) with eligibility dates of payment to be 11 December 2009, 5 June 2012 and 5 June 2015 in the amounts of \$5,000.00, \$2,000.00, and \$3,000.00 respectively. GIMS indicates he received the first and second payment of \$5,000.00 and \$2,000.00. The incentive was terminated effective 14 April 2015.

b. After review of the applicant's record, he was discharged from the VAARNG effective 14 May 2015 with orders 111-057. The orders indicate the incentive would be terminated effective 14 May 2015. He completed 71 months of the incentive totaling \$9,861.11 entitled to the Soldier. He received \$7,000 and is owed an additional payment of \$2,861.11.

c. It is the recommendation of this office that the applicant's request be partially approved. His incentive was terminated effective 14 April 2015 but should have been terminated effective 14 May 2015 upon discharge. He did not receive any portion of the third payment and is entitled to receive \$2,861.11.

d. The VAARNG concurs with this advisory opinion.

5. On 7 April 2025, the applicant was provided with a copy of the advisory opinion and provided an opportunity to respond. 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 partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board concurred with the National Guard Bureau, Chief, Special Actions Branch advisory opinion recommending partial approval of the applicant's request. The Board determined that the applicant completed 71 months of the incentive totaling \$9,861.11. He had already received \$7,000 and is owed the remaining portion of his payment in the amount of \$2861.11. Therefore, the Board determined his request had merit and granted partial relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 authorizing the applicant the remaining balance of his NPSEB in the amount of \$2,861.11.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional payment in excess of the above.

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. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.
3. Department of Defense Instructions 1205.21 (Reserve Component Incentive Programs Procedures) paragraph 6.2 states, as a condition of the receipt of an

incentive covered by this Instruction, each recipient shall be required to sign a written agreement stating that 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. That agreement shall clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive to the member.

4. Title 10, USC, section 1552 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.

5. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) states a cash bonus is offered to eligible applicant's enlisting in the Selected Reserve and complying with all of the following eligibility requirements:

- enlists in the ARNG for 8 years
- enlists for a bonus MOS
- completes initial active duty training or received sufficient training to be deployable

//NOTHING FOLLOWS//