

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2025

DOCKET NUMBER: AR20240010384

APPLICANT REQUESTS: exception to policy for reinstatement and payment of the first half of his Reenlistment Bonus (REB) 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)
- Self-authored statement
- NGB Form 600-7-4-R-E (Annex R to DD Form 4 or DA Form 4836 Reenlistment/Extension Bonus (REB) Addendum Army National Guard of the United States (ARNG)), dated 10 September 2018
- Order Number 0000664759.00, dated 16 September 2020
- Department of the Army Certificate of Training, The Common Faculty Development – Instructor Course Certificate of Completion
- Order Number 0001276500.00, dated 13 July 2021
- Email correspondence showing the communication regarding the delay in his course completion due to COVID-19
- Memorandum, SUBJECT: Request for Exception to Policy for Unresolved Re-enlistment Bonus Discrepancy After Termination Date showing he requested assistance for resolution for payment to of his REB in the amount of \$10,000.00
- Memorandum, SUBJECT: Exception to Policy Disapproval, REB from the National Guard Bureau denying his request for recoupment of his REB payment in the amount of \$10,000.00

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 was denied payment of his REB because he did not complete the certification within the prescribed period of time

- He requested an exception to policy but was denied based upon lack of evidence
- He was only unable to complete the certification within the 180 days because of COVID 19 restrictions
- This has jeopardized his financial goals and impacted his family negatively

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

- On 26 July 2007, he enlisted in the Oregon Army National Guard (ORARNG)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 18 September 2018 shows he extended his enlistment with the WAARNG for a period of 6 years; in conjunction, NGB Form 600-7-4-R-E was signed entitling him to a \$20,000.00 REB, for a 6-year obligated service agreement, to be paid in two installments of 50 percent on the day after his current expiration term of service and on his fourth year anniversary of the contract start date
- Order Number 0000664759.00, dated 16 September 2020 was issued for retroactive permanent change of assignment to 1st Battalion, 205th Regiment effective 1 September 2020
- Department of the Army Certificate of Training, The Common Faculty Development – Instructor Course was issued for completion of training from 22 March 2021 to 2 April 2021
- Order Number 0001276500.00, dated 13 July 2021 was issued for completion of formal training as a Number 6 Senior Instructor with a retroactive effective date of 2 April 2021
- He continues service with the ORARNG

4. On 12 June 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending approval of the applicant's request stating, in pertinent part:

a. He reenlisted in the Washington Army National Guard (WAARNG) with a \$20,000 incentive for 26 July 2019 to 25 July 2025 signed 18 September 2018. Incentive was to be paid in two equal payments on 26 July 2019 and 26 July 2023. He received the first payment of \$10,000 but the incentive was terminated effective 1 September 2020 and \$6,388.89 was recouped. The reason for termination was the applicant was transferred to the Regional Training Institute (RTI) but was not instructor qualified within 180 days per section VI paragraph q of the bonus addendum. An exception to policy (ETP) was submitted to the National Guard Bureau to allow the Soldier to retain the bonus as the reservation for the qualifying course was cancelled because of COVID-19 restrictions. His ETP was denied by the National Guard Bureau's incentives branch citing addendum violation and proceeded with termination effective 1 September 2020, the day of the transfer to the RTI position, relief from the recoupment was granted. The ETP denial also states there was no documentation showing reasoning of the reservation seat being cancelled.

b. He provided documentation and emails citing that the qualifying course was not completed within 180 days was beyond his control. He completed qualification in the next available course ending 2 April 2021, which was 213 days past his transfer date to the RTI. The ETP denial cites the incorrect qualifying completion date and states no documentation was provided.

c. It is the recommendation of this office that the applicant's request be approved. He provided documentation that the completion of the qualifying course past 180 days was outside of his control and received qualification at the earliest availability. He should retain his incentive and receive the remaining \$10,000 payment.

d. The WAARNG did not provide input for this advisory opinion.

e. The National Guard Bureau's incentives branch provided input for this advisory opinion.

5. On 20 June 2025, the applicant was provided a copy of the advisory opinion and afforded 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 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. The evidence of record shows the applicant extended his enlistment in the WAARNG on 18 September 2018 for a period of 6 years with entitlement to a \$20,000.00 REB, to be paid in two installments of 50 percent on the day after his current expiration term of service and on his fourth year anniversary of the contract start date. He received the first payment of \$10,000.00 but the incentive was terminated effective 1 September 2020 and \$6,388.89 was recouped. The reason for termination was the applicant was transferred to the RTI but was not instructor qualified within 180 days in accordance with the REB addendum. An ETP was submitted to the National Guard Bureau to allow the applicant to retain the bonus as the reservation for the qualifying course was cancelled because of COVID-19 restrictions. His ETP was denied by the National Guard Bureau's incentives branch citing addendum violation and proceeded with termination effective 1 September 2020, the day of the transfer to the RTI position, relief from the recoupment was granted. The ETP denial also states there was no documentation showing reasoning of the reservation seat being cancelled. He completed qualification in the next available course ending 2 April 2021, which was 213 days past his transfer date to the RTI. The Board reviewed and concurred with the National Guard Bureau advising official. 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's 18 September 2018 ARNG extension was honored, and the appropriate office timely received this information and paid the second portion of his REB in the amount of \$10,000.00 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. Title 37, USC, section 308 (Special Pay: reenlistment bonus) states the Secretary concerned may pay a bonus under paragraph (2) to a member of a uniformed service who is qualified in a military skill designated as critical by the Secretary of Defense, and reenlists or voluntarily extends the member's enlistment for a period of at least three years in a regular component or the Reserve component of the service concerned. Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.

3. National Guard Bureau Selected Reserve Incentive Program (SRIP) 19-01 provides that the REB is processed in 2 installments: 50 percent the day after the current expiration term of service (ETS), 50 percent of the fourth-year anniversary.

4. Title 31, U.S. Code, 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.

//NOTHING FOLLOWS//