

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2025

DOCKET NUMBER: AR20240011219

APPLICANT REQUESTS:

- remission or cancellation of indebtedness for the recoupment of his enlisted bonus in the amount of \$7,478.79 plus interest and fees
- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the Combat Infantryman Badge

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

- DD Form 149 (Application for Correction of Military Record)
- Army Discharge Review Board Report of Proceeding for Docket Number AR20210001579
- DD Form 214 for service ending 28 July 2006
- 1st Squadron, 7th U. S. Cavalry Combat Infantryman Badge Certificate shows the applicant was awarded the Combat Infantryman Badge for ground combat action on 26 January 2004
- Defense Finance and Accounting Service (DFAS) letter, 2 June 2016 shows the applicant owes:
 - Total of \$7,493.79
 - Owed for unearned enlistment bonus debt in the amount of \$7,091.09
 - Owed for loss of government property debt in the amount of \$258.74
 - Owed for tuition assistance debt in the amount of \$143.96
- DFAS letter, 22 May 2025 shows the applicant had:
 - Original debt in the amount of \$7,493.79
 - Plus, interest, administrative fees and penalties in the amount of \$145.28
 - Applicant made a payment in the amount of \$64.23
 - Remaining balance in the amount of \$7,478.79

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 he requests the remission/cancellation of his indebtedness in the amount of \$7,478.79, correction of his financial records and the Combat Infantryman Badge be added to his DD Form 214.
3. A review of the applicant's service record shows:
 - Enlisted Record Brief shows he received a bonus for the military occupational specialty of 11C (Indirect Fire Infantryman) and his bonus enlistment eligibility date was 1 March 2010
 - On 22 January 2002, he enlisted in the Regular Army (RA)
 - He was awarded the Army Good Conduct Medal for exemplary behavior, efficiency and fidelity during the period of 22 January 2002 through 21 January 2005 by Permanent Orders Number 5BCT-335-019, 30 November 2004
 - On 2 March 2005, he reenlisted in the RA while in Iraq for a period of 5-years for a lump sum bonus
 - DA Form 4789 shows he understood:
 - Receiving a selective reenlistment bonus
 - For his reenlistment for 5-years
 - If he did not complete the full period of service or did not remain technically qualified, he would have to pay back as much of the bonus for the unexpired part of the obligated service
 - On 28 July 2006, he was discharged from active duty for drug abuse misconduct and received an under other than honorable conditions discharge, DD Form 214 does not reflect the:
 - Foreign service in Item 12f
 - Award of the Combat Infantryman Badge
 - The applicant's separation packet is available for the Board to review
4. On 25 May 2021, the Army Board for Correction of Military Records denied the applicant's request for: Upgrade of his character of service, change the separation code, reentry code and narrative reason for separation and the Combat Infantryman Badge to his DD Form 214.
5. On 26 September 2023, the Army Discharge Review Board determined his discharge was inequitable based on his post-traumatic stress disorder that mitigated his illegal drug abuse, and his service outweighed his remaining offenses of disobeying

lawful orders and making false statements. Therefore, the Board granted him relief and upgraded his character of service to honorable and changed the narrative reason for separation to misconduct for minor infractions with a corresponding separation code. However, the Board determined the reentry code was proper and equitable and did not change it. The applicant was provided a corrected DD Form 214 based on the results of the Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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. Upon review of the applicant's petition and available military records, the Board found the applicant was awarded the Combat Infantryman Badge for ground combat action on 26 January 2004. The badge will be added to his DD Form 214.

2. However, the contentions for remission of debt, the Board found insufficient evidence. The applicant was discharged on 28 July 2006, resulting in an unearned enlistment bonus debt. The Board found the debt to be valid and denied the request for remission.

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. In addition to the administrative notes annotated by the Analyst of Record, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 for the period ending 28 July 2006 by adding the Combat Infantryman Badge.

2. The Board further determined 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 remission or cancellation of indebtedness for the recoupment of his enlisted bonus in the amount of \$7,478.79 plus interest and fees.

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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of service January 22, 2002 through July 28, 2006, by amending Item 12f (Foreign Service) to reflect 1-year, 0-months and 1-day.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service January 22, 2002 through July 28, 2006
- Army Regulation 635-8 (Personnel Separations – Separation Processing and Documents)

3. Please correct the applicant's DD Form 214 as shown in paragraph 1 above. Provide the applicant a copy of the corrections and ensure the corrections are recorded in the applicant's official military personnel file.

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. Army Regulation (AR) 600-8-22 (Military Awards) This regulation implements a part of the Army Awards Program. It prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. Paragraph 1-27 (Announcement of Awards), c. (Badges), Permanent awards of badges, except Basic Marksmanship Qualification badges, identification badges (less the Guard, Tomb of the Unknown Soldier Identification Badge, and Military Horseman Identification Badge), will be announced in POs by commanders authorized to make the award before recording information in the Soldier's AMHRR.

b. Paragraph 8-6 (Combat Infantryman Badge), for award of the CIB, a Soldier must meet the following three requirements:

- Be an infantry Soldier satisfactorily performing infantry duties
- Be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB

d. Who may award the CIB:

(1) Wartime awards approval authority. When delegated wartime awards approval authority by the SECARMY or designee, the following authorities apply: (a) Brigade commander level for Soldiers assigned to, attached to, or under the operational control of brigade-level or smaller units. (b) The first general officer in the chain of command for Soldiers assigned to units at echelons above brigade. (c) The next higher general officer in the chain for award to a general officer. (d) Authority to award the CIB is also delegated to Army regional medical center commanders receiving casualties directly from the wartime theater. Army medical center commanders must ensure the Soldier meets the requirements. Award of the CIB is not automatic and will not be awarded solely based on award of the PH. Requests for retroactive award of the CIB will not be entertained except where evidence of injustice is presented. f. On or after 18 September 2001: (1) A Soldier must be an Army infantry or SF officer in the grade of COL/O6 or below or an Army enlisted Soldier or warrant officer with an infantry who has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of brigade, regimental, or smaller size during any period such unit

was engaged in active ground combat to close with and destroy the enemy with direct fires. (2) A Soldier must be personally present and under fire while serving in an assigned infantry duty in a unit engaged in active ground combat to close with and destroy the enemy with direct fires. Improvised explosive devices vehicle-borne improvised explosive devices and the like are direct fire weapons. While no fixed, qualifying distance from an explosion of these devices can be established, commanders should consider the entirety of the combat situation when considering award of the CIB. (6) The special provision authorized for the GWOT is listed in this paragraph. The CIB may be awarded to recognize those U.S. Army infantry and SF Soldiers embedded in formed Afghan National Army or Iraqi Infantry or SF units, or Iraqi specialized infantry-type units, of brigade, regimental, or smaller size or assigned as advisors to a foreign infantry or SF comparable to the above infantry units as tactical advisors, trainers, or liaisons during the time that the supported infantry or SF unit engages in active ground combat to close with and destroy the enemy with direct fires. Qualified Soldiers must have been personally present and participated in the combat operations.

3. AR 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.

4. 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

(g) (Repayment), a person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment.

5. AR 601-210 (Regular Army and Army Reserve Enlistment Programs) in effect at the time, prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA) and the Army Reserve (AR).

a. Paragraph 2-2. Basic eligibility criteria for all non-prior service applicants Persons who apply for enlistment in the RA, or the Army Reserve must meet eligibility criteria of this chapter and any other requirements for the MOS in which they are enlisting.

b. Paragraph 9-9 (Enlistment Program 9C, U.S. Army Incentive Enlistment Program) (Enlistment Bonus, Army College Fund, Loan Repayment Program), this program is available to qualified NPS, PS, Glossary NPS, and ACASP applicants enlisting for the minimum term of enlistment, when authorized by HQDA Enlistment Incentives Message. Incentives will be offered using REQUEST, and message will be updated quarterly. All enlistees must meet the prerequisites before and after enlistment per DA PAM 611–21. Primary Incentive Enlistment Options available for enlistment are available in REQUEST as offered and determined by HQDA, DCS, G–1 (DMPM). (a) Enlistees who voluntarily or because of misconduct, fail to satisfactorily complete AIT or OSUT will be trained in another MOS. They will complete their term of enlistment based upon the needs of the Army, unless separated for administrative or disciplinary reasons. In the above instances, the bonus will not be paid. (b) Enlistees who, through no fault of their own, fail to satisfactorily complete AIT or OSUT in the MOS for which originally enlisted will be given a chance for training in another MOS and be retrained in the Army, or released from active duty if they so desire. If retrained and the new MOS is authorized an enlistment bonus, enlistee will be entitled to payment upon satisfactorily completing AIT or OSUT. The dollar value will be determined by the MOS for which trained. (d) Soldiers paid the EB must (unless otherwise directed by HQDA) serve in the designated MOS for the period of enlistment. (e) Persons who do not complete their term of enlistment voluntarily or because of misconduct will be required to refund the percentage of the bonus that corresponds to the un-expired part of the total enlistment period (such as the unearned portion of the bonus). Persons who immediately reenlist before completion of the term of service for which a bonus was paid will not be subject to repayment of bonus if reenlistment period exceeds remaining enlistment bonus period by at least 2-years. Unserved bonus period may not be used for SRB computation.

5. Title 37 USC, section 308 (Special pay: reenlistment bonus), the Secretary concerned may pay a bonus to a member of a uniformed service who:

- Has completed at least 17-months of continuous active duty (other than for training) but not more than 20-years of active duty;
- 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 of the service concerned; or

- In a reserve component of the service concerned, if the member is performing active Guard and Reserve duty(2)The bonus to be paid under paragraph (1) may not exceed the lesser of the following amounts:

The amount equal to the product of:

- 15 times the monthly rate of basic pay to which the member was entitled at the time of the discharge or release of the member; and
- Number of years (or the monthly fractions thereof) of the term of reenlistment or extension of enlistment.

A member who agrees to train and reenlist for service in a military skill which, at the time of that agreement, is designated as critical, may be paid the bonus approved for that skill, at the rate in effect at the time of agreement, upon completion of training and qualification in that skill, if otherwise qualified under this subsection and even if that skill is no longer designated as critical at the time the member becomes eligible for payment of the bonus.

The Secretary of Defense may waive the eligibility requirement in paragraph (1)(B) in the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in this subsection while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom or Operation Iraqi Freedom.

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.

A member who does not complete the term of enlistment for which a bonus was paid to the member or a member who is not technically qualified in the skill for which a bonus was paid to the member shall be subject to the repayment.

6. AR 735-5 (Property Accountability Policies) in effect at the time, contains concepts and guidelines for establishing and maintaining the Command Supply Discipline Program (CSDP).

a. Paragraph 13-3, mandatory initiation of a financial liability investigation of property loss a. Initiate and process a financial liability investigation of property loss to account for lost, damaged, or destroyed Government property when negligence or willful misconduct is suspected as the cause, and the individual does not admit liability and refuses to make voluntary reimbursement to the Government for the full value of the loss less depreciation.

b. Paragraph 13-5, chain of command for processing financial liability investigations of property loss, process a DD Form 200 through the chain of command for the individual responsible for the property at the time of the incident if the individual is subject to this regulation.

c. Paragraph 13-6 (Time constraints for processing financial liability investigations of property loss), initiate and process DD Form 200 within a specific number of days, following the discovery of the loss or damage of Government property, as prescribed in paragraph 13-8. When delayed beyond the below listed processing times, the person responsible for the delay will prepare a written statement explaining the reason for the delay and attach it to the DD Form 200 as an exhibit. Total processing time equals the difference in days between the date of discovering the discrepancy and the date the DD Form 200 is approved. The time used to notify the individual of the financial liability officer's recommendation and the approving authority's decision to hold the respondent financially liable per paragraph 13-34 and paragraph 13-42 is not included. Subtract one date from the other, less the time used to notify the individual, to determine the total processing time. Subparagraph b. U.S. Army Reserve and/or Army National Guard. Under normal circumstances, do not exceed 240 calendar days total processing time.

d. Paragraph 13-8 (Time constraints for initiation of financial liability investigations of property loss), Initiate financial liability investigations of property loss within the following time limits: b. (U.S. Army Reserve and Army National Guard), the USAR will initiate and present financial liability investigations of property loss to the appointing authority or approving authority as appropriate not later than 75 calendar days after the date of discovering the discrepancy. The ARNG will initiate and present financial liability investigations of property loss to the appointing authority or approving authority as appropriate not later than 75 calendar days after the date of discovering the discrepancy. All ARNG investigations will then be forwarded to the State USPFO who will serve as the final review authority.

e. Paragraph 13-42 (Respondent's Rights), a. Members of the Army, employees, and members of other Services having a reciprocal agreement with the Army may have approved charges of financial liability involuntarily withheld from their Federal pay. This also applies to former members of the Army. Before individuals are held financially liable, they must receive notice and the opportunity to exercise their rights. The memorandum with a copy of the DD Form 200 with all exhibits will be hand delivered to the person found financially liable. If the individual is not available locally, the memorandum will be forwarded by certified mail, return receipt requested. The memorandum will inform the individual that collection efforts will begin 30 calendar days (ARNG 60 calendar days) from the date delivered or mailed. The individual has the right to:

- inspect and copy Army records relating to the debt

- obtain free legal advice relating to the assessment of financial liability
- request reconsideration of the assessment of financial liability based on legal error
- request remission or cancellation of the indebtedness (enlisted personnel only)
- request extension of the collection period
- submit an applicant to the Army Board of Correction of Military Records to request reconsideration, a hearing, or remission or cancellation of indebtedness when they believe the findings were unjust

f. Paragraph 13-50 (Actions resulting from reopening a financial liability investigation of property loss), d. Repayment of amounts previously collected. Property listed on a DD Form 200 may be recovered after assessment of financial liability is approved, or the assessment may have been reversed by the approving or appeal authority. If so, an amendment will be prepared, citing the specific alterations, and attached to the DD Form 200 as an exhibit. A copy of the amendment will be attached to a memorandum directing repayment of the value of the recovered property to the individual, as a "collection erroneously received."

g. Paragraph 14-27 (Personal clothing and organizational clothing and individual equipment), a. The commanders of Active Army, USAR, and ARNG members, and ROTC cadets are responsible for initiating financial liability investigations of property loss when property issued from a CIF becomes lost, damaged, or destroyed, and none of the methods cited in chapter 12 can be used to obtain relief from responsibility. Additionally, the commanders of USAR and ARNG members and ROTC cadets are responsible for initiating financial liability investigations of property loss when property issued from a clothing initial issue point becomes lost, damaged, or destroyed. b. The following applies to the loss of personal clothing and OCIE when a USAR member, ARNG member, or ROTC cadet stops participating in training sessions (unsatisfactory participant whose whereabouts is unknown) and has not returned their personal clothing and/or OCIE. If the FAO or USPFO cannot make collections because no pay is due, the DD Form 200 will be forwarded to the servicing claims office for collection.

7. Army Regulation (AR) 621-5 (Army Continuing Education System), implements DODD 1322.8E, DODIs 1322.25 and 1322.19, establishes vision, mission, strategic goals, policies, and responsibilities for Army Continuing Education System (ACES), and delegates authority for managing Army Continuing Education System (ACES) programs and services. Paragraph Tuition assistance recoupment

a. Soldiers agree to reimburse the Army upon signing the DA Form 7597 when:

- The Soldier withdraws because of official separation, confinement, or similar administrative action by commanders for disciplinary or fraudulent causes
- The Soldier withdraws from or does not complete a course for personal reasons

- The Soldier receives a failing grade for academics
- The Soldier receives a failing grade for nonattendance
- The Soldier fails to make up an "incomplete" grade within the time limits stipulated by the institution or 120-calendar days after the completion of the class, whichever comes first
- A commissioned officer or commissioned warrant officer fails to fulfill the service obligation as noted in paragraph 5–10a
- eArmyU program requirements are not met as stated in the DA Form 7596

b. TA recoupment for unserved service commitment is required when:

- A commissioned officer or commissioned warrant officer fails to complete the two-year service commitment
- A RC commissioned officer fails to complete at least four years of Selected Reserve service from the date of completion of the course for which TA was provided, RC officers who voluntarily separate or are discharged for misconduct before they complete their service obligation are required to reimburse the Army the amount of TA representing the unserved portion of the 4-year obligation
- A Soldier participating in eArmyU fails to complete the SRR as specified in the DA Form 7596

d. TA recoupment:

(1) ESO will establish an out-processing system ensuring all Soldiers will clear the AEC upon PCS or ETS/retirement. All TA obligations must be resolved and recoupment actions initiated prior to clearing. If an active duty Soldier does not out-process according to standing operating procedures, AEC should audit the Soldier's account and proceed with any recoupment action after the Soldier has ETS.

(2) RC ESOs will coordinate with their respective G-1 to receive the list of Soldiers to be discharged in the near future and will audit the Soldier's account and proceed with any recoupment action necessary.

(3) ESO will ensure separation documentation reflecting approval for separation from Officers/Warrant Officers Branch is received prior to processing recoupment for non-completion of an ADSO. Once voluntary separation is approved and proper documentation received, TA recoupment will take place. The amount of TA to be recouped is determined by dividing the amount of TA received by 24 months and multiplying that figure by the number of months representing the unserved portion of the ADSO.

(4) For the active component, most recoupments will be accomplished through an electronic interface between GoArmyEd and the Defense Finance and Accounting Service (DFAS).

//NOTHING FOLLOWS//