

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 May 2025

DOCKET NUMBER: AR20240011442

APPLICANT REQUESTS: remission of 2012 Reenlistment/Extension Bonus (REB) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Enlistment Bonus (EB) Addendum Army National Guard (ARNG) of the U.S., 27 April 2004 – reflective of the service obligation associated with the applicant's entitlement to a \$3,000.00 EB
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 27 April 2004 – reflective of the applicant's initial enlistment in the ARNG for 8 years
- NJ National Guard Tuition Program Statement of Understanding – reflective of the applicant's enrollment in the NJARNG tuition assistance program
- DD Form 214 (Certificate of Release or Discharge from Active Duty) – reflective of the applicant's service on active duty from 18 August 2008 – 30 April 2009
- Orders Number 009-039, 9 January 2019 – reflective of the applicant being honorably discharged from the ARNG on 8 January 2019 and placed on the Permanent Disability Retired List
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings) – reflective of a PEB convened on 21 November 2018, finding the applicant physically unfit for continued military service; recommend for permanent disability retirement
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 8 January 2019 – reflective of the applicant's service in the ARNG from 27 April 2004 – 8 January 2019
- Orders Number D 338-03 – reflective of the applicant being permanently medically retired on 8 January 2019
- Defense Finance and Accounting Service (DFAS) letter, 22 July 2019 – reflective of the applicant being advised of an in-service debt (\$8,645.39) related to multiple previously received payment entitlements to include the REB; the applicant completed 35 months of his enlistment contract
- Department of the Treasury letter, 17 April 2024 – reflective of the applicant being advised that his in-service debt was transferred for collection

- Certificate of Performance, 17 April 2018 – reflective of redacted information pertaining to the applicant's attendance at Battle Assembly between February – April

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 that he should not be required to repay his in-service debt because he was medically retired and unable to fulfill the terms of the service obligation associated with his REB.
3. A review of the applicant's service records reflects the following:
 - On 27 April 2004 – he enlisted for 8 years in the ARNG with entitlement to a \$3,000.00 EB as a 15N (Avionic Mechanic)
 - On 25 March 2010 – he extended his current enlistment by 1 year
 - On 10 March 2011 – he extended his current enlistment by 1 year
 - On 27 July 2012 – he extended his current enlistment by 6 years with entitlement to a \$10,000.00 REB to be paid in a lump sum; in conjunction with this extension NGB Form 600-7-3-R-E was completed showing if he had two consecutive Army Physical Fitness Test (APFT) the bonus would be terminated
 - On 21 November 2018 – a PEB convened finding the applicant unfit for continued military service; recommended for permanent medical retirement
 - On 4 December 2018 (Orders Number D 338-03) – released the applicant from assignment and duty due to a permanent physical disability; placed on the retired list, effective 8 January 2019
 - The applicant's records are void of physical profiles and/or flagging actions after his 2012 reenlistment/extension
4. On 2 May 2025, the NGB, Chief Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that his REB contract was terminated with recoupment on 17 April 2016 due to his failure of two consecutive APFT (November 2015 and April 2016). The applicant's contention that his failure of the APFTs were directly related to his medical condition are invalid. Both conditions (Post-Traumatic Stress Disorder and Left Labral Tear) were diagnosed after he failed his APFTs; no evidence of performance limiting profiles issued preventing the applicant from taking the APFT.

5. On 11 May 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. In response to the advisory opinion the applicant contests that there is no evidence of him being counselled nor flagged for APFT failure within his Interactive Personnel Electronic Records Management System (IPERMS) records. He further notes that his APFT failures in November 2015 and April 2016 were the result of preexisting medical conditions that significantly impaired his physical abilities. Due to his ongoing medical conditions, he was issued multiple performance limiting profiles between 2016 – 2018; assigned to a Medical Hold Battalion in 2016. Had he been aware of the flagging actions and APFT failures beforehand he would have addressed them by either requesting to perform an alternate event or retest within the limits of his profile.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the NGB advisory recommended denying the applicant's request based upon two consecutive APFT failures, the Board weighed the following facts in making their findings and recommendation:

- On 27 July 2012, the applicant extended his enlistment by 6 years with entitlement to a \$10,000.00 REB to be paid in a lump sum; in conjunction with this extension NGB Form 600-7-3-R-E was completed showing if he had two consecutive Army Physical Fitness Test (APFT) the bonus would be terminated
- On 21 November 2018 – a PEB convened finding the applicant unfit for continued military service; recommended for permanent medical retirement. As part of the PEB findings, they rated the applicant 20% disability for a left shoulder injury
- On 4 December 2018 (Orders Number D 338-03) – the applicant was released from duty due to a permanent physical disability; placed on the retired list, effective 8 January 2019.

Based upon the applicant having a left shoulder injury as part of the injuries he was permanently retired for, the Board found this as a significant mitigating factor for his APFT failures (the case of his REB collection). Additionally, the applicant completed over six years of service after signing the enlistment contract. Therefore, the Board concluded there was an injustice warranting remission/cancellation of the applicant's Reenlistment/Extension Bonus (REB) debt.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: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 Army records of the individual concerned be corrected by cancelling the collection of the applicant's Reenlistment/Extension Bonus (REB) debt. All previously collected monies should be returned to the applicant.

//SIGNED//

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. Army National Guard (ARNG) Selective Reserve Incentives Program (SRIP) Policy for FY 12, 5 June 2012 - 30 September 2012 (Policy Number 12-01, Update 1) provides guidance to assist leadership and personnel managers in meeting and sustaining ARNG readiness requirements. Service members entitlement to a bonus

incentive will be terminated with recoupment if he/she fails 2 consecutive record APFTs. Termination will be effective on the date of the second APFT failure.

3. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) provides that a Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. Once a Soldier has been terminated, reinstatement of eligibility is not authorized. Two consecutive APFT failures will result in the termination of the incentive.

4. 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 on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.

//NOTHING FOLLOWS//