

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20240012097

APPLICANT REQUESTS:

- Reinstatement and payment of his Non-Prior Service Enlistment Bonus (NPSEB) in the amount of \$9,000.00
- Amendment of his battle assembly drill attendance code(s) from “U” [unexcused absence] to “Z” [excused absence]
- An appearance before the Board via telephone or video

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states, in pertinent part:

- He requested a unit transfer prior to the COVID-19 vaccine mandate and was told he could reschedule training for drill until he arrived at his new unit
- He was then informed that his transfer had been stopped due to his vaccine status, also rendering him ineligible to attend drill
- He was told the missed drill dates would be coded “Z” and were not considered unexcused absences
- During that time, he continued to reach out to his unit regarding the vaccine policy
- In the summer of 2023, his old unit reached out and requested he attend active training. However, he was in the police academy at the time and was unable to attend
- He was later notified that his transfer was finally complete, and he could in-process with his new unit
- Upon his arrival, he was notified that his sign-on bonus had been recouped
- Due to the financial hardship, he is getting paid very little for attendance
- The bonus should not have been taken as the absences were excused

2. Regarding the applicant's request to amend his drill attendance codes, the applicant's request is premature. There is no indication that the applicant has first sought relief through his assigned unit or the U.S. Army Reserve Command prior to submitting his request to this Board. Accordingly, this matter falls outside the scope of the current proceedings and will not be addressed further in these proceedings.

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

- On 7 January 2019, he enlisted in the U.S. Army Reserve (USAR). In conjunction, he signed DA Form 5261 (Selected Reserve Incentive Program Enlistment Bonus Addendum) entitling him to a \$9,000.00 bonus for enlistment in the military occupational specialty (MOS) 31B (Military Police) with the 423 Military Police Company, Shoreham, New York for a period of 6 years to be paid in three installments; first 50 percent upon completion of initial active duty training and qualifying in the MOS, and 25 percent paid upon successful completion of the 2nd and 4th year of enlistment term
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 20 June 2019 shows he was honorably released from active duty training for completion of his initial active duty training and advanced individual training from 28 January 2019 to 20 June 2019 for a net service period of 4 months and 23 days
- DA Form 5016 (Retirement Accounting Statement), dated 6 February 2025 shows for the retirement years ending 7 January 2023 and 7 January 2024 no inactive duty training or active duty training points were credited
- He continues service with the USAR

3. On 5 June 2025, the U.S. Army Reserve Command (USARC), Chief, Initial Military Training and Incentives, USARC G-1 provided an advisory opinion recommending disapproval of the applicant's request stating, in pertinent part:

a. He enlisted with the USAR on 7 January 2019 for a six-year term, with a \$9,000 NPSEB in Military Occupational Specialty, 31B (Military Police). He became an unsatisfactory participant after accumulating nine or more unexcused absences within a 12-month period, resulting in the termination of the NPSEB. According to Army Regulation (AR) 601-210, Chapter 10-8a(1), "Termination of eligibility to an incentive will occur if a Soldier becomes an unsatisfactory participant per AR 135-91. The effective date for termination entered into the personnel data reporting systems for Soldiers declared unsatisfactory participants is the date of the first unexcused absence." The USAR Pay Center terminated his NPSEB on 26 June 2020, creating an initial debt of \$6,875.00. Between 26 June 2020 and 25 October 2020, the applicant accrued 10 unexcused absences. He later accrued an additional 36 unexcused absences between 3 December 2022 and 16 November 2024.

b. Based on the current information provided in this case, the U.S. Army Reserve Command (USARC) G-1 recommends no relief.

4. On 13 June 2025, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond. He replied, stating, in pertinent part, the opinion does not take into consideration that he was unsatisfactory for the drill dates due to the COVID-19 vaccine mandate. He was unvaccinated during that time and therefore, not allowed to attend drill. He has email evidence where he asked to return to drill and was told not to do so. He later requested to return to drill again, while he was in the police academy, and was authorized to do so only after completing the academy and unit transfer. The fact that he missed drill is evident, however, it is the reason he did not attend drill that should have listed the absences as authorized vice unauthorized keeping his bonus active.

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.

- Reinstatement and payment of NPSEB: Grant. Upon review of the applicant's petition and available military records, the evidence shows the applicant enlisted in the U.S. Army Reserve on 17 January 2019 for a period of 6 years, which included an addendum entitling him to a \$9,000.00 bonus for enlistment in MOS 31B (Military Police). The USARC advisory official recommended denying the applicant's request. USARC opined that the USAR Pay Center terminated his NPSEB on 26 June 2020, creating an initial debt of \$6,875.00. Between 26 June 2020 and 25 October 2020, the applicant accrued 10 unexcused absences. He later accrued an additional 36 unexcused absences, thereby invalidating his bonus. However, notwithstanding the advisory opinion, the Board found that there was sufficient evidence to show that the applicant's unexcused absences were not intentional due to COVID. The Board noted that there was no evidence to show he would not have completed all of his requirements to receive the NPSEB had it not been for COVID and concluded, the applicant had a good faith intent to fulfill his contract and due to no fault of his own was unable to do so. Therefore, the Board granted full relief for the terms of his initial contract and granted relief.
- Amendment of his Battle Assembly Drill Attendance Codes from Unexcused Absences to Excused: Grant. Upon review of the applicant's petition and available military records, the evidence shows the applicant enlisted in the U.S. Army Reserve on 17 January 2019 for a period of 6 years. The Board noted that

the USARC advisory opinion stated that between 26 June 2020 and 25 October 2020, the applicant accrued 10 unexcused absences and later accrued an additional 36 unexcused absences. However, notwithstanding the advisory opinion, the Board found that there was sufficient evidence to show that the applicant’s unexcused absences were not intentional due to the COVID pandemic. The Board noted that prior to COVID, the applicant attended all his required drills and was in full compliance with his enlistment contract. Therefore, the Board determined there was sufficient evidence to show his absences were excused and granted full relief.

2. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XX	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 records of the individual concerned be corrected by:

- Showing the applicant’s three signed service addenda for his non-prior service enlistment bonus in the amount of \$9000.00, was signed by a service representative, timely processed, and entered in the appropriate processing system.
- Showing that applicant met all of his contractual requirement for the full entitlement of his NPSEB bonus in the amount of \$9000.00
- Reinstatement of his NSPEB bonus in the amount \$9000.00, in full in accordance to the above service agreements

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. 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.
2. 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.
3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//