

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20220006711

APPLICANT REQUESTS: exception to policy for payment of the last installment of his Student Loan Repayment Program (SLRP) incentive in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- Email exchange with his HR Noncommissioned Officer (NCO)

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 submitted the appropriate paperwork within 90 days of his enlistment date every year, starting in March 2015. He did not receive any disbursements until June 2021, when he received five as a lump sum. He has just been informed that, to receive the final disbursement, he must submit this request. In March 2015, he had just been assigned to the 101st Regional Training Institute (RTI) in Massachusetts, where he began Officer Candidate School (OCS). To the best of his knowledge, the appropriate paperwork was submitted through the proper channels. If there was an issue with his paperwork, he was not made aware of it.
3. Review of the applicant's service records shows:
 - a. He enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) for 8 years in grade E-4 on 27 June 2014. His DD Form 1966 (Record of Military Processing) shows he enlisted for the "6x2 - Student Loan Repayment Program \$50000, 6 years , 09S1O."
 - b. In connection with this enlistment, he signed Annex L (Student Loan Repayment Program) Addendum. This addendum states:

(1) He indicated he has 6 disbursed loans existing in the amount of \$59,660. The total amount of repayment for qualifying loans will not exceed \$50,000 with annual repayments of 15% of the original balance of the loan(s) plus accrued interest or \$500.00 plus accrued interest, whichever is greater, as established by law.

(2) He understood that this 09S SLRP addendum must be signed on the same date of his Enlistment Contract, MOS 09S10, 182nd Engineer Company (Sapper).

(3) Loan will be processed on the anniversary month of his enlistment for each satisfactory year of service, subject to availability of funds. He understood that the SLRP anniversary payment is not processed automatically. He must continue to meet all requirements and complete his actions to claim payments.

c. The applicant completed basic combat training at Fort Leonard Wood, MO from 16 July 2014 to 28 September 2014.

d. He was honorably discharged from his enlisted status in the ARNG on 5 August 2016. His NGB Form 22 (Report of Separation and Record of Service) shows he was separated to accept appointment as a commissioned officer, not an SRIP (Selected Reserve Incentive Program) recipient, no recoupment required. He completed 2 years, 1 month, and 9 days of ARNG service.

e. He executed an oath of office on 6 August 2016 in the [REDACTED] ARNG and was appointed a Reserve commissioned officer.

f. He entered active duty or training (ADT) on 20 July 2017 and completed the Field Artillery Basic Officer Leader Course. He was honorably released from ADT on 7 December 2017 to the control of his State ARNG.

g. The applicant was promoted to first lieutenant in February 2018. He was also mobilized to active duty from 27 March 2021 to 30 April 2022, with service in Kuwait/Iraq.

4. The applicant provides email exchange with his HR NCO, starting in April 2021 wherein he forwarded the DD Form 2475 (DOD Loan Repayment Program (LRP) Annual Application) and loan documents, and asked his Educations Services Officer to upload his document sin GIMS.

a. A [REDACTED] ARNG official stated on 19 April 2022: "I paid 5 fiscal years last June, that's what that \$30k shows on his payment history. Just looking at his GIMS really fast it would be one FY15 and would be an ABCMR now since all closed year requests are now going through the ABCMR process. I will try to find the how to for that and it would be the Officer who submits the paperwork to them."

b. The unit HR NCO stated in an email to the applicant, "FYSA! The past 5 fiscal years last June was paid out. You are owed one from FY15 which now requires a ABCMR (Army Board of Corrections Manual Request). I am waiting on more instructions from Ms. [Name] about the process.

5. The applicant's NGB Form 23A, ARNG Current Annual Statement, shows beginning on his Anniversary Year (27 June 2014) and through Anniversary Year 25 June 2023, the applicant completed a qualifying year of service (50 retirement points or more) each Anniversary Year.

6. On 12 December 2023, the National Guard Bureau provided an advisory opinion in the processing of this case. An NGB advisory official restated the applicant's request for payment towards his student loan from his Student Loan Repayment Program and recommended approval, discussing the recommendation as follows:

a. The applicant states that he signed a Student Loan Repayment Program contract when enlisting with the [REDACTED] ARNG in 2014. However, due to delays caused by his unit, his contract was never processed timely, and he never received his payment from 2015. The applicant is requesting payments towards his student loans per the Student Loan Repayment Program.

b. The applicant's records show that he signed a Student Loan Repayment Program addendum on 27 June 2014, where it states that he had six disbursed loans existing in the amount of \$59,660.00. According to the incentive contracts history in GIMS, the contract was denied for missing documents in June 2014. The contract was submitted successfully and submitted for validation in December 2014. However, in September 2016, monitor rule failed and the contract was manually returned to an active status in January 2018. The latest action on the contract is another 'monitor rule failed' in November 2022. The applicant states that in June 2021, he received five payments as a lump sum, but he did not receive any payments from 2015 because the time had elapsed too much and it was now a "closed year" payment," which is subject to approval from RBA.

c. For these reasons, it is the recommendation of this office that the applicant's request be approved. Based on the applicant's records, his student loan was not correctly paid per the outlines of the contract. The repayment of his loans through the Student Loan Repayment Program should have been paid starting in FY2015. The applicant successfully met the requirements of the contract during this time. [REDACTED] ARNG is aware of this error and supports his request for the 2015 payment.

d. The Army National Guard Incentives Branch did not provide a recommendation for this recommendation. The [REDACTED] ARNG concurs with this recommendation.

7. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a response and/or additional comments.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and National Guard Bureau -Special Actions Branch advisory, the Board concurred with the advising official recommendation for approval, finding due to delays caused by his unit, his contract was never processed timely, and the applicant never received his payment from 2015. Evidence shows the applicant signed a Student Loan Repayment Program contract when enlisting with the Massachusetts Army National Guard in 2014.

2. The opine noted, the applicant signed a Student Loan Repayment Program addendum on 27 June 2014, where it states that he had six disbursed loans existing in the amount of \$59,660.00. According to the incentive contracts history in GIMS, the contract was denied for missing documents in June 2014. The Board agreed there is sufficient evidence to show the applicant's student loan was not correctly paid per the outlines of the contract. The repayment of his loans through the Student Loan Repayment Program should have been paid starting in FY2015. The applicant successfully met the requirements of the contract during this time. Based on this, the Board granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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 records of the individual concerned be corrected to show the applicant is authorized exception to policy for payment of the last installment of his Student Loan Repayment Program (SLRP) incentive in the Army National Guard.

2/17/2024

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. National Guard Regulation 600-7 Personnel – General - Selected Reserve Incentive Programs, governs incentive policies, procedures, and eligibility criteria for persons entering into an incentive agreement at the time of enlistment, affiliation, reenlistment, extension, commission, or appointment into the ARNG, on or after the effective date of this regulation.

a. Public Law 99-145, section 671(a)(1), and Title 10, U.S. Code, section 16301 authorizes the education loan repayment program for qualified members of Selected Reserve enlisted personnel with loans made, insured, or guaranteed under part B of Title IV of the Higher Education Act of 1965 (Title 20 USC 1071 et seq.), any loan made under part D of such title (Title 20 USC 1087a et seq), or any loan made under part E of such title (Title 20 USC 1087aa et seq). Repayment of any such loan will be made based on each complete year of service performed by the borrower. Soldier must meet the eligibility criteria in accordance with governing law, DODI, DA, ARNG regulations or as outlined in the current FY SRIP policy.

b. State Loan Repayment Program Manager: State representative designated for the management of the SLRP. Issues, verifies, validates, establishes, and monitors all SLRP incentives. Functions as the subject matter expert and provides customer service through all forms of communication (for example, fax, email, memorandums, and telephone) and routinely route to proper office as necessary.

c. Continued participation in SLRP requires that the Soldier remain in the MOS in which they originally gained eligibility for the SLRP incentive and in a valid position within an MTOE or deployable TDA unit.

d. Enlisted Soldiers who enter an authorized commissioning program as a non-scholarship recipient and/or accept an appointment or commission as an officer or warrant officer in a Selected Reserve may continue to receive SLRP payments as stipulated in their original contract so long as they remain otherwise qualified.

2. Title 31 U. S. Code, section 3702, also known as the Barring Act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, U. S. Code, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.

//NOTHING FOLLOWS//