

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20220011720

APPLICANT REQUESTS: payment of her loans under the Student Loan Repayment Program (SLRP) incentive in the Louisiana Army National Guard (LAARNG).

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Education, National Student Loan Data System (NSLDS) printout

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 effect, she received notice from the Incentives Branch regarding bonuses and her entitlement to a previously earned enlistment bonus. She was also advised by the Incentives Branch that she cannot clear retirement until she fulfills this requirement [sic].
3. The applicant provides a 64-page printout from the Department of Education, National Student Loan Data System (NSLDS), which contains the following data, to name a few (please see attachments or complete breakdown):

Loan Type	Loan Disbursed Amount
Loan Attending School Name	Loan Canceled Date
Loan Date	Loan Outstanding Principal Balance
Loan Repayment Begin Date	Loan Outstanding Interest Balance
Loan Period Begin Date	Loan Interest Rate
Loan Period End Date	Loan Statutory Interest Rate
Loan Amount	

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

- a. She enlisted in the Georgia Army National Guard (GAARNG) on 27 January 2001 for eight (8) years, as a Motor Transport Operator (88M).
- b. On or about 14 October 2005, she transferred to the Pennsylvania Army National Guard (PAARNG). However, on or about 15 May 2006, she returned to the GAARNG.
- c. On 20 January 2007, she executed a 3-year extension in the GAARNG. Her DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows she extended as a current member of the ARNG and a Reserve of the Army for three (3) years. Her new expiration term of service (ETS) was extended from 26 January 2007 to 26 January 2010. It also contains the following statements:
- I am eligible for and accept a retention bonus (applicant's initials), control # R07020011LA
 - I am extending to qualify for the SLRP (applicant's initials), control # S07020011LA
- d. With her 3-year extension, on 20 January 2007, the applicant signed Annex R (Reenlistment/Extension Bonus (REB) Addendum), Section III – Bonus Amount and Payments, page 2 of 4, paragraph 1a states, "For a first 3-year reenlistment/extension, I will receive a total bonus in the amount of \$7,500 less taxes, to be paid lump sum and processed for payment on the date that my reenlistment or extension contract takes effect (1 day after current ETS)."
- e. She was honorably discharged from the ARNG on 26 January 2012. Her NGB Form 22 (National Guard Bureau Report of Separation and Record of Service) shows she was honorably discharged from the LAARNG and as a Reserve of the Army under the provisions of National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), paragraph 6-35a, expiration term of service (ETS). She served 12 years of net service this period.
- f. On 23 December 2013, she enlisted for three (3) years in the LAARNG as a Food Service Operations (92G).
- g. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 21 February 2016 shows she extended as a current member of the ARNG r and a Reserve of the Army for six (6) years. Her new expiration term of service (ETS) was extended from 22 December 2016 to 22 December 2022.
- h. LAARNG Order 0003963294.00, dated 2 February 2023, reflects the applicant was reassigned to the USAR Retired Reserve, with an effective date of 16 September 2022, with 21 years of total service and 2 years, 4 months, and 22 days of active service.

5. The National Guard Bureau provided an advisory opinion, on 23 February 2024, in the processing of this case. The NGB official recommended partial approval and states:

a. The applicant requests SLRP payment in the amount of \$18,453. The applicant was advised by the Education Services Officer of the overdue SLRP. The applicant] submitted loan details as supporting documentation.

b. LAARNG MILPO, Major (MAJ) K. claims the applicant was due two SLRP payments for the SLRP from FY-12 and FY-13. MAJ K. states Service Member (SM) fulfilled contract terms per SM's SLRP Addendum. At the time of contracting, the applicant had two eligible loans for repayment per the terms of the SLRP contract in the amount of \$6,625. SM was to be paid 15% of the eligible disbursed amount up to \$7,500. On 2 August 2022 those two eligible loans were consolidated into two loans totaling \$18,453.

c. LAARNG MILPO submitted SM's National Student Loan Data System (NSLDS) sheets, email correspondence with SM acknowledging ABCMR requirement to process SLRP payments, and SLRP addendum (with no input under section II.D annotating number of loans and loan amount).

d. After further review of the applicant's documents provided, and discussions with the LAARNG and Army National Guard Incentives Oversight Branch, it is the conclusion of this office, that the applicant fulfilled the contract terms and an admin error resulted in the omittance of the number of loans and loan total of \$6,625 on the SLRP addendum. This office recommends SLRP payment calculation based on the initial eligible disbursed loan amount of \$6,625.

e. This opinion was coordinated with the LAARNG and aligns with the state's recommendation of partial approval. ARNG Incentives Oversight Branch concurs with the recommendation.

6. The applicant was provided with a copy of this advisory opinion to give her an opportunity to provide a rebuttal and/or feedback. She did not respond.

7. NGB Policy Memorandum Number 07-04, dated 1 January 2007, Subject: ARNG SRIP Guidance for Fiscal Year 2007, 1 January 2007 to 31 March 2007, established policy for the administration of various enlisted and officer bonus incentives for the cited period. It states: Termination with recoupment will occur if entitlement is terminated for any reason before the date of the fulfillment of the service described in the member's written agreement. One reason for termination is the failure to satisfactorily participate in required training during the entire period of the service to which agreed unless the failure was due to reasons beyond the control of the member (i.e., death, injury, illness, or other impairment).

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. The applicant is essentially requesting SLRP payment (not the REB) in the amount of 18,453. The State ARNG claims that the applicant was due two SLRP payments for the SLRP from FY-12 and FY-13. At the time of contracting, the applicant had two eligible loans for repayment per the terms of the SLRP contract in the amount of \$6,625. According to the State, those two eligible loans were consolidated. The Board agreed with the NGB advisory official’s finding an administrative error resulted in the omittance of the number of loans, and an eligible loan total of \$6,625 on the SLRP addendum. Since the applicant fulfilled the contract terms and since the administrative error was not committed by the applicant’s, the Board determined SLRP payment calculation based on the initial eligible disbursed loan amount of \$6,625 is appropriate.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 and Army National Guard records of the individual concerned be corrected by:

- Showing the applicant submitted an exception to policy to the National Guard Bureau (NGB) for payment of \$6,625.00 worth of student loans
- Showing the NGB timely received and approved this exception to policy, and authorized payment of this loan to the lender

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 any relief in excess of that described above.



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, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. NGB Policy Memorandum Number 07-04, dated 1 January 2007, Subject: ARNG SRIP Guidance for Fiscal Year 2007, 1 January 2007 to 31 March 2007, established policy for the administration of various enlisted and officer bonus incentives for the cited period. It states:

a. Termination with recoupment will occur if entitlement is terminated for any reason before the date of the fulfillment of the service described in the member's written agreement.

b. One reason for termination is the failure to satisfactorily participate in required training during the entire period of the service to which agreed unless the failure was due to reasons beyond the control of the member (i.e., death, injury, illness, or other impairment).

//NOTHING FOLLOWS//