

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2024

DOCKET NUMBER: AR20230000425

APPLICANT REQUESTS: to be paid the Health Professionals Loan Repayment (HPLR) entitlement in the U.S. Army Reserve.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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:

a. She needs the HPLR that was promised to her in 2019 when she joined the Specialized Training Assistance Program (STRAP) to be granted. After over 3 years of emails and communications among several majors (MAJ), lieutenant colonels (LTC), Timber Creek Consulting Agency, and AMEDD Professional Management Command (APMC), she is realizing the impression that she signed a contract for HPLR was actually only a declarations page of what entitlements she could receive at the time of joining STRAP.

b. She needs the student loan repayment to be corrected and noted that three (3) males that came into the STRAP program at the same time, under the same circumstances, have received their loan repayments without delay. Within the documentation it shows that she was diligent in requesting an HPLR extension; however, because of the disarray among all the entities involved, she is outside of that window now. She would like for the extension to be granted so that she can receive the maximum \$60,000 loan repayment.

c. The military records appear to be in error due to a technicality, poor communication, and poor education and/or understanding on the subject matter at the APMC officer level. As you go through the multiple documents you will find all parties

guided her as though the entitlement of HPLR was due. It was not until she spoke with MAJ F*** in September of 2022 (3 years after she began STRAP) that she was informed she only signed a declaration page showing what she could get instead of the actual HPLR contract. (The HPLR contract was not included in the initial STRAP acceptance packet from M.M. at Fort Knox. The HPLR declaration was the only document included). One can see throughout the documentation provide that pregnancies, leave and retirement of personnel played a part in missing the important documentation she needed.

3. The applicant listed more than a dozen documents that she was providing in support of her request; however, none of the listed documents were accessible.

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

a. On 13 June 2018, she executed an Oath of Office as a first lieutenant (1LT), Reserve Commissioned Officer.

b. Three (3) USAREC Forms 601.37.48 (U.S. Army Reserve and Army National Guard Incentives Declaration Statement), provide a list of incentives that are currently available to applicant's and Soldiers in specified (Wartime Critical Shortage List) areas of concentration in the U.S. Army Reserve or Army National Guard. It further states, "applicants must initial next to the appropriate incentives he or she wishes to be considered for. Place a number (1 or 2) next to your initials to denote which incentive you wish to receive first (Special Pay or HPLRP only)." The applicant made her selections and signed the form as follows:

- On 15 March 2018, the applicant signed her initials next to 2c (Special Pay – 3 year) and 2e (HRLRP); however, it appears that she did not place a number next to her initials
- On 28 March 2018, the applicant signed her initials next to 2c (Special Pay – 3 year) with the number "1" and 2e (HRLRP) with the number "2"
- On 10 July 2019, the applicant digitally signed her initials next to 2d (STRAP) with no number indicated and 2e (HRLRP) with the number "1"

c. USAREC Form 601.37.23 (Incentive Enrollment Data Sheet), dated 17 July 2019, reflects the applicant enrolled in Nurse Anesthesia program at the University of Tennessee – Chattanooga School of Nursing, with a program start date of 15 May 2019 and program graduation date of 7 August 2021.

d. The applicant currently serves as Nurse Anesthetist with the 7454th U.S. Army Reserve Medical Operation Readiness Unit (ORU), San Antonio, Texas.

5. On 23 January 2024, the U.S. Army Reserve Command provided an advisory opinion in the processing of this case. An advisory official stated "On 11 July 2018, CPT [Name] signed her Army Medical Department (AMEDD) Commissioning Statement which, authorized \$20K annual (with \$60K lifetime) Health Professional Loan Repayment (HPLR) contract with a start date of 11 July 2018. According to the Army Regulation (AR) 621-202, Chapter 8 states loans that are considered eligible for repayment are loans secured for the first qualifying degree. This pertains to a degree that qualified the officer for the Area of Concentration (AOC) which they were commissioned. The applicant's first loan disbursement is dated 20 May 2019, which is after she commissioned into the United States Army Reserves. Furthermore, the National Student Loan Data System reflects loans disbursed prior to her commissioning date are paid in full.

6. In response to the advisory opinion, the applicant states the following:

a. Sixteen (16) months ago she submitted over fifty documents pleading her case as to why she is eligible for \$60,000 of loan repayment money via the HPLR, entitlement she signed for when she joined the Specialized Training Assistance Program (STRAP) program on 11 September 2019. For 4.5 years she has been denied the loan repayments that were promised to her via APMC personnel. The 50+ documents submitted show that she was led to believe by several officers in Army Leadership positions at APMC, with decades of military experience, that the monies were due to her.

b. It was only until she received a HPLR denial letter in September of 2021 that she sought out a retiring lieutenant colonel (LTC) at Human Resources Command (HRC) that made her aware that she is ineligible because the personnel at APMC did not submit the additional form to officially sign for HPLR in 2019. On her STRAP contract there is a portion where she signed for HPLR, but according to the LTC at HRC, she is missing an additional page that actually finalizes the HPLR. To miss out on the entitlement because of a technicality due to human error on APMC's part would be atrocious. She can make that statement with all confidence because she has verified with three different peer Soldiers that their HPLR loan payments were paid out while they were in STRAP.

c. The military careers of the individuals of interest mimic her military career. Each commissioned as an ICU nurse. All three entered the STRAP program months or years after commissioning within the same timeframe as her. Two of the Soldiers entered the Nurse Anesthesia programs and the other Soldier entered a Family Nurse Practitioner program. Both Soldiers in the Nurse Anesthesia program received the entire portion of their loan repayment for their doctorate level nurse anesthesia school and the Soldier that entered the Nurse Practitioner program received his entire portion of repayment for his registered nurse undergraduate loans and doctorate level loans.

d. If she is not awarded the loan repayment it will be considered a case of inequality because the individuals she refers to, are all male Soldiers. Giving entitlement to some and not others based on sex is a pure definition of inequality. So, the odds of there being several, probably hundreds, more that received their loan payments for higher level degrees that were not necessarily the degree under which the individual commissioned is most definitely significant.

e. She would never have joined STRAP if she was not going to get the loan repayment. She was misguided by careless individuals who have nothing to lose, giving false information or not submitting paperwork. This is an important point because there is a human being on the other side of this letter. Never in her just shy of twenty years of professional experience, has she ever felt as disregarded as she does within the Army. On the other side of this letter is a human being who spent countless hours weighing the pros and cons of the STRAP contract. With her spouse, they ran numbers and made financial arrangements that they could rest comfortably based on what the STRAP program promised to provide. Their children, retirement, and location of where she went to school were all effected by the decisions she made based on the information given to her by Army Leadership and in the contract she signed. Yet from the Army leadership, she received the opposite of consideration and competency.

f. She literally had to go through the grueling process of demanding a \$15,000 bonus recoupment because she had to make APMC aware that she had to be in STRAP to get her HPLR. If she took the bonus, she could not get the STRAP stipend and then in turn, HPLR. APMC Army leadership started her STRAP at the wrong time (three months before the contract is dated) and that money had to be recouped as well but only after she made them aware of the error. APMC army leadership did not give her a form to sign for her HPLR entitlement to be activated and valid. APMC still does not have her contract uploaded correctly or her correct commitment date correct in the Army system.

g. Numerous documents show her advocating for herself and the matters of interest yet, nothing but unreturned emails and phone calls from APMC. She finally received an email from a MAJ informing her that she was not able to get back to her [the applicant] in a timely manner because of her pregnancy, then COVID, then being up countless hours through the night with a newborn. The string of evidence shows the Army and APMC leadership as ill-equipped, lacking due diligence and the source of her distress in this matter.

h. She came into the Army to serve as an Army nurse. Certified Registered Nurse Anesthetist (CRNA) school fell into her lap, and she seized the opportunity. Then she was told about the STRAP program. The Army offered these entitlements, she did not

come seeking them. At the end of the day, the matter at hand is her contract for STRAP is missing a page that officially signs her up for HPLR. The STRAP contract does show where she signed for HPLR, and the uploaded documents show she was genuinely under the impression that was the case for over four years until a LTC at HRC figured out the problem.

i. She should not be punished because of a technicality and human error. The responsibility lies in the hands of Army officers at APMC. Additionally, other Soldiers were given the correct forms, so why wasn't she? Now is it a coincidence that the Soldiers she knows that received HPLR were all males? She doesn't know, but this is an issue no one should be willing to let slide. She appreciates the Board deliberating over this matter. Please take her tone as serious yet, also as matter of fact, and with all respect. This matter should not be taken lightly. If we are to put soldiers first so that we can serve to the peak of our potential as an Army, then equal distribution of entitlements must be granted. Our suicide rates are high and our recruitment rates are at an all-time low, but if the degree of disregard and indifference she has encountered in this matter are even a sliver of what other Soldiers are experiencing, then she sees no hope for improvement.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence in the applicant's case shows in July 2018, she signed an AMEDD Commissioning Statement which, authorized \$20K annual (with \$60K lifetime) Health Professional Loan Repayment (HPLR) contract with a start date of 11 July 2018. By regulation, loans that are considered eligible for repayment under that program are loans secured for the first qualifying degree. This pertains to a degree that qualified the officer for the Area of Concentration (AOC) which they were commissioned. The Board reviewed and agreed with the advisory official's finding that the applicant's first loan disbursement is dated 20 May 2019, which is after she commissioned into the USAR. Additionally, the National Student Loan Data System reflects loans disbursed prior to her commissioning date are already paid in full. As such, the Board found no error or injustice in her case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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, United States 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 135-7 (Army National Guard and Army Reserve - Incentive Programs) establishes a single reference for incentives authorized within the Army National Guard and the Army Reserve. Chapter 7 provides policy and guidance for the administration of the Health Professionals Loan Repayment (HPLR) Program. Under

section 16302, title 10, U.S. Code, the program is designed to repay designated loans secured by eligible commissioned officers of the Medical Corps (MC) and Army Nurse Corps (ANC) assigned to the Selected Reserve.

3. Army Regulation 621-202, Army Educational Incentives and Entitlements, establishes policy for educational incentives and entitlements authorized by Public Law. It provides Regular Army, Army National Guard (ARNG), and U.S. Army Reserve (USAR) unique policies, procedures and responsibilities governing educational benefits for Soldiers of the Active and Reserve Components (RCs). Soldier, unless otherwise specified, refers to enlisted personnel and officers. Chapter 8 provides for Selected Reserve Health Professionals Loan Repayment Program. Paragraph 8-1. General. This chapter provides policy for the administration of the HPLRP. Under 10 USC 16302, the program is designed to repay designated loans secured by eligible health professions officers serving in SELRES with wartime critical medical skill shortages. Loans that are considered eligible for repayment are loans that were secured for the first qualifying degree that qualified the officer for the AOC which they were commissioned. With the exception of certain physician assistant programs, undergraduate and prerequisite courses for admittance into a qualifying degree program, like medical and dental school, is not authorized for repayment. Health professional critical specialties will be identified and authorized for the HPLRP in annual HQDA policy guidance.

//NOTHING FOLLOWS//