

the reason why his loan payments were no longer processed after 2011. As such, he believes that he is currently entitled to approximately \$30,000.00 of SLRP benefits.

3. A review of the applicant's available service records reflects the following:

a. On 28 September 2010, the applicant enlisted in the ARNG for 8 years to serve as a 74D (Chemical Operations Specialist). In conjunction with this enlistment, the applicant was enrolled in the SLRP. NGB Form 600-7-5-R-E, completed at the time of enlistment, explains the requirements associated with the Enlisted Loan Repayment Program. The applicant indicated that he had a total of 9 qualifying loans totaling \$32,657.00. Section III (Entitlement and Payments) provides that a portion of the disbursed loans would be repaid annually, not to exceed 15 percent or \$7,500.00 per year, of the total loan principal or \$500.00, whichever is greater.

b. On or about 2 May 2011, the applicant completed the 74D course and was subsequently awarded the 74D military occupational specialty.

c. On 10 May 2011, the applicant was ordered to active duty in support of Operation Enduring Freedom.

d. On 12 April 2012, the applicant was released from active duty.

e. On 27 September 2016, the applicant was transferred into the U.S. Army Reserve (USAR) Control Group (Annual Training) due to reaching his contractual service obligation date.

f. On 28 September 2016, the Oklahoma National Guard issued Orders Number 272-028 directing that the applicant be discharged from the ARNG and assigned to the USAR Control Group (Annual Training), effective 27 September 2016. The additional instructions indicate that the applicant was not entitled to Selected Reserve Incentive Program (SRIP) entitlements.

g. On 2 October 2018, the U.S. Army Human Resources Command issued Orders Number D-10-827285 discharging the applicant from the U.S. Army Reserve Control Group (Reinforcement), effective 2 October 2018.

4. The applicant provides the following a:

a. DFAS Loan Repayment Check Data reflective the payments made towards the applicant's qualifying student loans between 31 March 2013 – 17 October 2014, totaling approximately \$6,826.50.

b. DD Form 214, ending on 2 May 2011, reflective of the applicant's service on active duty from 2 November 2010 – 2 May 2011. The applicant completed initial active-duty training during this period.

c. DD Form 214, ending on 12 April 2012, reflective of the applicant's service on active duty from 10 May 2011 – 12 April 2012. Item 15c. (Enlisted Under Loan Repayment Program) reflects "non-applicable/No."

5. On 22 May 2023, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that Guard Incentive Management System reflects that there has been a total of \$7,045.41 worth of loan payments made since 2011. However, due to an error on the applicant's 2012 DD Form 214, no payments were processed after Fiscal Year 2012. According to National Guard Regulation (NGR) 600-7 (Selected Reserve Incentive Program) and Annex L to DD Form 4, loan payments will be processed on the anniversary date of the applicant's enlistment for each year of service. Student Loan Repayment eligibility may be suspended if there are periods of qualifying nonavailability or the service member is flagged for adverse action. Based on the applicant's claims and the documents he provided in support of his request; the applicant did not have periods of unavailability or was he flagged for adverse action that would have suspended his eligibility from the SLRP. Further, the applicant did not have any reason to have his eligibility terminated.

6. On 23 May 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 17 July 2023, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board considered the terms and conditions of Student Loan Repayment Program and agreed that through no fault of the applicant, his eligibility was suspended. This resulted in the applicant only having received payments for FY11-12. Based on the preponderance of the documentation available for review, the Board determined the evidence presented sufficient to warrant a recommendation for 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 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 he met his contractual obligation to retain the SLRP and payment of outstanding qualified loans initiated.

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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, USC, 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. NGR 600-7 (Selected Reserve Incentive Program) Section VII (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10 USC 16301 authorizes the education loan repayment program for qualified members of SELRES 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), any loan made under part D of such title (Title 20 USC 1087) or any loan made under part E of such title (Title 20 USC 1087).

a. Repayment of any such loan will be made based on each complete year of service performed by the borrower. The total amount that will be repaid on all loans on behalf of any member under this program will not exceed the program maximum amount authorized by FY SRIP policy at time of signature. Service members are required to complete Annual Loan Repayment DD Form 2475 (DoD Educational Loan Repayment Program) each anniversary year upon receipt from Incentive Manager, or unit administrator.

b. Paragraph 1-21 (Continued Receipt of Incentives) provides that mobilized Soldiers will be allowed to retain the current incentives which they had qualified to receive whether they are qualified in any position and position assigned to fill during mobilization. Following mobilization, the Soldier must either return to the original contracted incentive MOS and position or choose to remain in the mobilized MOS. Soldiers who choose to remain to the originally contracted incentive MOS must be reassigned to the MOS and position for which the incentive was authorized within 180 days of release from active duty (REFRAD).

3. AR 15-185 (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 applicant's 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//