

IN THE CASE OF: ██████████

BOARD DATE: 24 January 2024

DOCKET NUMBER: AR20230003838

APPLICANT REQUESTS:

- entitlement to the Student Loan Repayment Program (SLRP)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Exception to Policy (ETP) Disapproval, Reenlistment/extension (REB) SLRP, 16 April 2022
- Memorandum – Subject: Incentive ETP Request, 28 September 2021
- DA Form 1559 (Inspector General Action Request), 14 June 2022
- Email communication
- DA Form 2823 (Sworn Statement), 21 November 2022

FACTS:

1. The applicant states in pertinent part that on 23 February 2020, he reenlisted in the Army National Guard (ARNG). During this period, he was deployed to Afghanistan. In connection with his reenlistment, he elected to participate in the SLRP. He notes that the retention Noncommissioned Officer (NCO) (Master Sergeant (MSG) ██████) advised him that upon his return from deployment he would need to submit the student loan documents to initiate the repayment process. He contests that when he returned, the retention NCO advised him that there was no record of his election to participate in the SLRP contained within his records. He was advised to initiate an ETP explaining how he was misinformed by the retention NCO in Afghanistan of the proper SLRP procedures. He submitted his ETP on 6 October 2021 and was denied by the National Guard Bureau (NGB) on 16 April 2022 due to lack of evidence to support that he was actually offered the SLRP incentive prior to manually signing the addendum at the time of his reenlistment.

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

- a. On 24 August 2017, the applicant enlisted in the ARNG for 8 years to serve as a 15F (Aircraft Electrician) with entitlement to the Montgomery G.I. Bill.
- b. On 2 October 2019, the applicant was ordered to active duty in support of Operation Freedom's Sentinel.
- c. On or about 22 October 2019, the applicant was deployed overseas and subsequently reassigned to Afghanistan.
- d. On 23 February 2020, the applicant, reenlisted/extended for 6 years with entitlement to a \$20,000.00 Reenlistment Bonus to be paid in a lump sum.
- e. On or about 20 July 2020, the applicant departed Afghanistan.
- f. On 7 September 2020, the applicant was released from active duty.

3. The applicant provides the following a:

- a. Memorandum – Subject: ETP Disapproval, REB/SLRP dated 16 April 2022, reflective of the NGB's disapproval of the applicant's submitted request for an ETP because there was no evidence to support that the applicant was offered the SLRP incentive prior to reenlisting on 23 February 2020.
- b. Memorandum – Subject: Incentive ETP Request dated 28 September 2021, reflective of the applicant's submitted request to have the SLRP enrollment added retroactively to his current enlistment contract. The applicant notes that at the time of his reenlistment, he was working with his school to determine if anything needed to be done to initiate payment. The applicant adds that the retention NCO advised him of the SLRP while he was deployed, but an addendum was never endorsed or submitted.
- c. DA Form 1559 dated 14 June 2022, reflective of the applicant's submitted request for assistance with obtaining SLRP benefits.
- d. Email communication reflective of communication concerning the applicant's enrollment in the SLRP. The applicant was advised that his records failed to reflect evidence of his enrollment in the SLRP at the time of his reenlistment. The applicant contests that the error was made by the retention NCO due to his limited knowledge of the SLRP. The applicant was advised to seek relief through this Board. A copy of this communication is contained in its entirety within the supporting documents.
- e. DA Form 2823 dated 21 November 2022, reflective of the retention NCO (MSG [REDACTED]) recollection of the events occurring at the time of the applicant's reenlistment. MSG [REDACTED] provides that he himself was new to the process (SLRP) and sought the assistance

of his unit. MSG ■ notes that he and the applicant intended to complete the SLRP enrollment by submitting a copy of his National Student Loan Data System paperwork but does not recall where they left off in the process due to the timeliness of this request. He contests that his lack of knowledge of the SLRP process and unique experiences (deployed, COVID 19 restrictions etc.) contributed to the lapse in completing the process.

4. The applicant did not provide nor does the review of his available service records reflect evidence of a NGB Form 600-7-5-R-E (Annex L to DD Form 4 – Enlisted Loan Repayment Program Addendum ARNG of the U.S.)

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 -Personnel Programs, Resources and Manpower Division advisory opinion, the Board notwithstanding the advising official recommendation to deny approval found there is sufficient evidence in the record showing the email thread from members of team attempting to coordinate his SLRP. Further, the applicant received an email dated February 2020, the date he re-enlisted in regard to his SLRP in addition to a sworn statement from his NCOIC stating the applicant was not properly counseled. The Board agreed, at no fault of the applicant, he should be entitled to his SLRP. As such, the Board granted 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:

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 entitlement to the Student Loan Repayment Program (SLRP).



 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 (Selected Reserve Incentive Program (SRIP)) Section VII (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10 United States Code (USC), section 16301 authorizes the education loan repayment program for qualified members of Select Reserve (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 Fiscal Year 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.

2. Army Regulation (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. Paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. 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//