

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 August 2024

DOCKET NUMBER: AR20230004409

APPLICANT REQUESTS: remission of debt related to previously received tuition assistance in the amount of \$750.01.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- Defense Finance and Accounting Service (DFAS) letter, 31 January 2023

FACTS:

1. The applicant states he was medically discharged on 22 July 2014 and remained at the same residence for the following 6 years. He contests that he was never made aware of the debt prior to being discharged and believes the debt was created in error since proof of the debt was not provided. He recalls taking college courses while stationed at Fort Campbell, KY, prior to being medically discharged in 2014, and after being medically discharged, he was enrolled in college as a full-time student until he graduated in May 2019 and this debt has resulted in an unjust financial burden.

2. A review of the applicant's service records show:

a. On 11 August 2009, the applicant enlisted in the Regular Army.

b. On 11 April 2014, a Physical Evaluation Board convened finding the applicant physically unfit for continued military service with a recommendation that he be discharged from active duty with entitlement to severance pay. The applicant concurred with the board's findings and waived his rights to reconsideration.

d. On 22 July 2014, the applicant was medically discharged from the Army with entitlement to \$30,661.20 in disability severance pay.

3. The applicant provides DFAS letter, dated 31 January 2023, reflective of him being notified of a \$750.01 debt in relation to previously received tuition assistance. He was

required to pay \$50.00 per month. He was further advised to contact his education office or pay office if he disagreed with the validity or amount of the debt.

4. On 8 December 2023, DFAS advised that the applicant's debt was originally \$750.01 due to tuition assistance received that was not fulfilled. To date, the applicant has paid \$550.00 towards this debt with a remaining balance of \$203.87. The applicant contacted DFAS on 7 February 2023, protesting this debt.

#### 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's available military records, the Board found the applicant served on active duty from 11 August 2009 and was discharged for disability on 22 July 2014. During his term of service, he received tuition assistance in which he failed to fulfill the obligation and incurred a debt in the amount of \$750.01. The Board found no error or injustice and determined relief was unwarranted.

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.

10/28/2024

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. Army Regulation (AR) 15-185 (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.
2. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.
3. AR 621-5 (Army Continuing Education System) provides guidance pertaining to Tuition Assistance (TA). The Army provides TA for voluntary off-duty education programs in support of a Soldier's professional and personal self-development goals. The use of TA directly contributes to retaining quality Soldiers, enhancing their career progression, improving Army readiness, and preparing Soldiers for meaningful employment in the transition from military service. Paragraph 4-7 (Tuition Assistance Program Funding Recoupment) provides that Soldiers agree to reimburse the Army upon signing the Statement of Understanding for use of Army TA when—
  - the Soldier withdraws because of official separation, confinement, or similar administrative action by commanders for disciplinary or fraudulent causes
  - the Soldier withdraws from, or does not complete, a class for personal reasons
  - the Soldier fails to achieve a successful grade for the class
  - the Soldier receives a failing grade for nonattendance
  - the Soldier fails to make up an "incomplete" grade within the time limits stipulated
  - a. TA recoupment is not required when---
    - a Soldier withdraws from a TA-funded class within the timeline established by the institution
    - a Soldier withdraws from, fails, or cannot complete a class for reasons clearly beyond the individual's control such as emergency leave, reassignment, natural or manmade disaster, illness, hospitalization, or unanticipated military mission and receives an approved request
  - b. All TA obligations must be resolved, and recoupment actions initiated before clearing. If an active-duty Soldier does not out-process according to standard operating procedures, the Army education center should audit the Soldier's account and process any recoupment actions in GoArmyEd after the Soldier separates.

c. Army Community Education Services personnel will ensure receipt of documentation, such as official orders or DD Form 214 (Certificate of Release or Discharge from Active Duty), reflecting Headquarters Department of the Army approval of separation before out-processing an active duty officer in GoArmyEd and/or from the education center or office.

d.

//NOTHING FOLLOWS//