

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20230006534

APPLICANT REQUESTS:

- payment of his Health Professionals Loan Repayment Program (HPLRP) for 2021 and 2022
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Soldier Summary
- Defense Finance Accounting Service (DFAS) Loan Repayment Check Dates Summary, 23 February 2018 to 19 April 2019
- Manual DFAS Payments
- HPLR Contract, 9 January 2017
- Wells Fargo Bank Records

FACTS:

1. The applicant states:

a. His is emailing in regards to an error or injustice that needs to be corrected in his military records. The error that needs to be corrected is payment of his fiscal year (FY) 2021 HPLRP payment of \$28,703 and the entire payment for FY2022 in the amount of \$40,000.

b. He signed his HPLRP commitment in 2016. He signed a \$240,000/6 year HPLRP in the Pennsylvania Army National Guard (ARNG). As he understood the program, he had to serve a year in the ARNG and then he would be reimbursed \$40,000 for his loans for every year he served until he reached a maximum payment of \$240,000. His initial loan principal was \$305,468.46 with an annual federal loan interest rate of 7.25 percent. Since interest was accruing during the 7 year period of medical school and residency, his loan interest added significantly to the loan since \$300,000 times 7.25 percent is approximately \$21,750.

c. In 2018, he did receive \$40,000 for the 2017 year served. In 2019, he did receive \$40,000 for the year 2018 served. In the year 2020, he began having problems as his state told him they could not process the paperwork due to COVID. He told his student loan program that the Army would continue to pay and given his years of service, they said they would put a note in his file.

d. He continued to not receive any payment during 2020 despite his practice being interrupted multiple times due to civil unrest. In addition, he would like to add he kept brigade medical readiness above 85 percent for a combat arms brigade.

e. In 2021, he attempted to collect the \$40,000 for his year of service in 2019 and for his year of service in 2020. He was told that Active Guard/Reserve (AGR) Soldiers were working from home as were many people in the nation, and they were doing their best.

f. He continued to drill and mobilized to Poland for his 90 day assignment as well as 2 weeks of quarantine on the front and back end of his deployment. During this assignment, he also lost substantial money from his private practice and although the loan forgiveness is not intended to make up for that completely, it is intended to help especially given the high interest rate environment.

g. Between January and March 2022, he made an attempt to collect the \$40,000 from each year of service (2019, 2020, 2021) and was told that the AGR Soldiers were still working from home and still processing paperwork due to the COVID backlog.

h. He was contacted by the Department of Education between January and March 2022 and was told he would be sent to collections for failure to pay his student loans. They told him they tried to work with him in 2020 and heard his plea when he said he was mobilized in 2021 but his time was up.

i. He contacted his brigade S-2 and he was professionally warned that a debt going to collections in the amount of hundreds of thousands of dollars would most definitely put his security clearance at risk as there were some officers that had theirs at risk for less money. He was then told he could not keep his job if he did not have his security clearance. In addition, he wanted to buy a home and purchasing a home for his family would be significantly more expensive for him if he were to be labeled a credit risk.

j. In March 2022, he made payments to his loans totaling at least \$150,000 to clear his name. He transferred to [REDACTED] ARNG and his 2019 and 2020 payments were applied in November 2022 and February 2023 respectively. He is writing in regards to the \$40,000 for years 2021 and 2022 since he had to make those payments to keep his financial reputation as well as his military career afloat.

2. The applicant provides the following documents:

a. DFAS Loan Payment Check Data, shows a payment was made on his loans on 9 May 2019 and 7 March 2018. The entire form is available for the Board's review.

b. A document shows DFAS made a manual payment on his loans on 3 October 2022 and 17 January 2023.

c. A Wells Fargo bank document, which shows payments made to his student loans.

3. The applicant's service record contains the following documents:

a. NGB Form 337 (Oaths of Office) shows he took the oath of office in the [REDACTED] ARNG on 2 June 2011.

b. Hospital - Resident Agreement, [REDACTED] 17 April 2016 shows he successfully completed his undergraduate medical education from an accredited allopathic, osteopathic, or podiatric medical school.

c. DA Form 5536 (Agreement HPLRP), 9 January 2017, shows he will be performing as an officer in a Selected Reserve unit of the ARNG or the U.S. Army Reserve in the area of concentration of 61F (Internist). He must remain in the Selected Reserve in good standing to obtain loan repayment. He understands the maximum aggregate amount of repayments under this agreement is \$3,000 per year up to \$20,000 HPLRP maximum. An amendment to the DA Form 5536 shows the maximum aggregate had been increased to \$40,000 per year to the maximum of \$240,000.

d. His service record is void of information showing payment or nonpayment of his HPLRP.

4. On 5 June 2024, the Chief, Special Actions Branch, National Guard Bureau (NGB), provided an advisory opinion, which states:

a. The applicant requests full payment of his HPLRP for FY 2020 and 2021. NGB recommended disapproval of his request.

b. He claims his HPLRP payment for FY 2020 and FY 2021 did not process due to Soldiers working at home due to COVID. During this period, he claims he was contacted by the Department of Education and told that his loan would be sent to collections for failure to pay his student loan on time. He made a payment of \$150,000 in March of 2022 to prevent a default on his loan and to prevent himself from being labeled a credit

risk, which would have put his military job at risk if he lost his security clearance due to bad credit.

c. He signed a 6-year HPLRP contract on 9 January with [REDACTED] ARNG, which would guarantee him annual loan payments of \$40,000 per year.

d. A review of his incentive records shows an amendment to his DA Form 5536 which shows that he understands that the maximum aggregate amount of repayments under this agreement has increased to \$40,000 per year or the remaining balance of the loan, whichever is less. The total repayments for all 6 years will not exceed the maximum amount authorized of \$240,000.

e. A review of the Guard Incentive Management System (GIMS) shows that during FY 2018 and FY 2019 there were accurate payments of \$40,000 to his lender; however FY 2020, FY 2021, FY 2022 and FY 2023 show payments of less than the annual payment of \$40,000 per the contract. GIMS additionally shows that those payments were not certified until June and July (FY 2023) of 2023. The administrative notes coincide with his claim that accurate payments were not made for the periods of FY 2020, FY 2021, FY 2022, and FY 2023.

f. He states in his claim to the Board that in March 2022, to prevent his federal education loan from being sent to collections or affecting his credit, he made a \$150,000 payment toward his loan. This payment of \$150,000 changed his balance, which also changed his payments toward his lender for FY 2020, FY 2021, FY 2022, and FY 2023. His payment reduced the maximum amount of \$40,000 to be paid to the lender to whatever the remaining allowances were for all future payments.

g. Records show that during the period of 13 March 2020 through 1 September 2023 the Office of the U.S. Department of Education paused federal loan payments and set the interest rate to zero percent. This pause, due to the COVID pandemic, was known as an administrative forbearance.

h. A review of his incentive records shows that there was a delay in payment for FY 2020, FY 2021, FY 2022, and FY 2023 that were not made until June and July of 2023 due to the global COVID pandemic. He claims he was contacted by the Department of Education and told his loan would be sent to collections for failure to pay his student loan on time; however, this claim goes against the Department of Education administrative forbearance policy that all federal loan payments are paused, during the period of March 2020 through September 2023. NGB does not support his claim and therefore recommends denial of his request.

i. The advisory opinion was coordinated with [REDACTED] ARNG and the National Guard Incentives Office.

5. On 14 June 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.
6. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

#### BOARD DISCUSSION:

1. 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 petition, available military records, and the National Guard Bureau advising official, the Board determined there was a delay in payment for FY 2020, FY 2021, FY 2022, and FY 2023 that were not made until June and July of 2023 due to the global COVID pandemic. The Board noted the applicant's contention that he was contacted by the Department of Education; however, found that concurred with the National Guard Bureau that it goes against the Department of Education administrative forbearance policy that all federal loan payments are paused, during the period of March 2020 through September 2023 and therefore denied 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 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.



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 621-202 (Army Educational Incentives and Entitlements), chapter 8 (Selected Reserve HPLRP) states this chapter provides policy and guidance for the administration of the HPLRP. Under Title 10, United States Code, section 16302, the program is designed to repay designated loans secured by eligible health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

a. Paragraph 8-3 states, repayment of loans is made on the basis of each year of satisfactory service performed by a health professional as a qualified commissioned officer in the Selected Reserve. For each year of satisfactory service as a Selected Reserve member, the Government will repay designated loans for an officer that:

- is participating satisfactorily as a Selected Reserve member
- initiates DA Form 5536 (Agreement HPLRP)

b. Paragraph 8-4 states, to apply for participation in the HPLRP, the eligible officer must have qualifying loans at the time of signing the DA Form 5536. Selected Reserve unit members will process through their AMEDD recruiter. The anniversary date for repayment of the loan is based on the date the officer completes the agreement. Each year of satisfactory Selected Reserve service performed under the terms of the agreement will qualify the Service member for repayment of eligible loans.

2. Army Regulation 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 applicants 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//