

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230007913

APPLICANT REQUESTS:

- Payment of his Student Loan Repayment Program (SLRP) in the Army National Guard
- Personal Appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement)
- Enlistment/Reenlistment Agreement ARNG

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:

a. He is requesting assistance in getting his SLRP entitlements paid. He has not had an SLRP payment posted since fiscal year (FY) 2014. The applicant is now in his third enlistment, while these entitlements should have been paid by the contract expiration of 2017. The loans are active in the Guard Incentive Management System (GIMS). The unit is unable to take action at their level.

b. He enlisted in the ARNG in 2011 for the SLRP. Payments were due to be processed annually for the duration of the six year enlistment. He was paid two disbursements. There has been no payment made on the remaining loans since FY 2014. He met all requirements laid out in the original contract. The State Education Services Office has been absolutely zero help. They have not even bothered to respond to several attempts to attain information. After conferring with the State Inspector General's Office, their direction was to file an ABCMR request for resolution.

c. He has requested updates for this action for the 7 to 10 years with absolutely zero resolution on his behalf. He honorably serviced his first contract and met all requirements laid out in the addendum.

3. The applicant provides the following documents:

a. NGB Form 23A (ARNG Current Annual Statement), dated 17 May 2023 shows the applicant has 10 years creditable service for retired pay.

b. Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment, dated 17 May 2011 is for Soldiers enlisting or reenlisting in the ARNG and explains the service requirements and methods of fulfillment. The form shows he was enlisting for the SLRP in the military occupational specialty (MOS) of 13B (Cannon Crewmember). The entire form is available for the Board's consideration.

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

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), shows the applicant enlisted in the ARNG on 17 May 2011, for a period of eight years. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 8 January 2017 shows the applicant extended his enlistment in the ARNG.

b. NGB Form 600-7-5-R-E (Annex L to DD Form 4 Enlisted Loan Repayment Addendum), dated 17 May 2011 shows:

(1) The applicant was a non-prior service applicant enlisting for a term of service of not less than 6 years in the ARNG with a concurrent statutory obligation of 8 years.

(2) He had 12 disbursed loans existing in the amount of \$25,186. The total amount of repayment for qualifying loans would not exceed \$50,000.

(3) The applicant understood he may add new disbursed loans only at the time of extensions of not less than 6 years.

(4) The portion of the SLRP that may be repaid annually on any qualifying loan(s) would not exceed 15 percent of the total of all loan principal or \$500 whichever is greater.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant, as a member of the ARNG, was ordered to initial active duty training on 20 June 2011 and he was honorably released on 20 July 2012 and returned to his ARNG unit. He received the MOS of 13B.

5. On 12 January 2024, the Chief, Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion for the Board's consideration, which states:

a. The applicant requests payment of SLRP for FY 15, FY 16, and FY 17. NGB recommended approval of the applicant's request.

b. The applicant requests payment of the SLRP incentive for which he had 12 loans in the amount of \$25,186 that had been verified as disbursed Title IV Federal loans not in default, at the time of his approval for repayment under SLRP.

c. A review of documents and data within GIMS showed the applicant signed an SLRP agreement on 17 May 2011 with the Alabama ARNG (ALARNG) for a term of six years in the MOS as a 13B, which is a critical MOS authorized for SLRP.

d. A review of the applicant's claim by the ALARNG incentives office revealed that the applicant did have a valid SLRP contract, which he signed on 17 May 2011. Additionally, the ALARNG could not find any documents showing that the applicant submitted paperwork requesting payment for FY 15, FY 16, and FY 17. However, based on the SLRP contract, the applicant is entitled to SLRP payment for FY 15, FY 16, and FY 17.

e. It is the recommendation of NGB that the applicant's request be approved. The applicant had a valid SLRP contract with the ALARNG of which payments for FY 12, FY 13, and FY 14 have been made. The input provided by the ALARNG supports the recommendation to initiate payment of the applicant's SLRP FY 15, FY 16, and FY 17.

f. The opinion was coordinated with the ALARNG Incentives Office. Correspondence with the ALARNG were included with the NGB advisory opinion.

6. On 22 January 202[4], the advisory opinion and attachments were provided to the applicant to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

1. The Board determined 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.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant is essentially asking for payment of Student Loan Repayment Program (SLRP) incentive for FY15, FY16, and FY17. He enlisted in the ALARNG for 6 years on

17 May 2011 in a critical MOS, 13B, that was authorized the SLRP incentive. He had 12 loans in the amount of \$25,186.00. The Board agreed with the NGB advisory official's finding that although he was authorized the incentive, there is no documentation showing he submitted paperwork requesting payment for FY15, FY16, and FY17. However, based on the SLRP contract, he is entitled SLRP payment for FY15, FY16, and FY17. Therefore, the Board determined relief is warranted.

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 Department of the Army and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted an exception to policy request to the National Guard Bureau (NGB) for payment of the SLRP incentive in Fiscal Years 2015, 2016, and 2017
- showing the NGB timely received and approved his exception to policy request and authorized payment of the SLRP incentive in Fiscal Years 2015, 2016, and 2017

■

■ ■

■

■

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, U.S. 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 ABCMR determines it would be in the interest of justice to do so.

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.

3. Army Regulation (AR) 601-210 (Active and Reserve Components Enlistment Program) provides that if the Soldier is authorized to continue under the SLRP, a new DA Form 5261-4-R (Student Loan Repayment Program Addendum) or NGR 600-7-5-R-E must be prepared; however, this act does not create a new entitlement, but continues the Soldier in the existing entitlement amount as listed on the original contract. The new document will be prepared in the gaining unit.

4. AR 135-7 (Incentive Programs), restricts the SLRP to those Reservists who either enlist, reenlist, or extend for a skill or unit approved by the Department of the Army and disseminated to the field by a list of MOSs and units, which is updated every 6 months. This educational incentive may only be elected at the time of enlistment, reenlistment, or extension, and a SLRP Addendum must be executed at that time. To be eligible for the SLRP incentive, a person must contractually obligate himself/herself to serve satisfactorily, must serve in a Reserve unit for a full term of the contractual agreement, and must further obligate himself or herself to continue to serve in the same component and the same MOS unless excused for the convenience of the Government. Each completed satisfactory year of service performed under this SLRP agreement establishes an anniversary date. Any qualifying loan that is at least 1-year old may then be paid in accordance with the terms of this educational enlistment incentive. Loan repayment up to \$10,000.00 is offered to a Soldier who contracts for an MOS that has been authorized by HQDA for the SLRP incentive. There are no provisions to reinstate an incentive after it is terminated for cause. A Soldier's eligibility for incentives or entitlements based on Selected Reserve service will terminate on release from the Selected Reserve.

//NOTHING FOLLOWS//