

IN THE CASE OF: ██████████

BOARD DATE: 9 September 2024

DOCKET NUMBER: AR20230008391

APPLICANT REQUESTS: correction of his record to show the Student Loan Repayment Program (SLRP) incentive in the Army National Guard, in the amount of \$25,265.00, was disbursed.

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

- DD Form 149 (Application for Correction of Military Record)
- DD 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum Army National Guard (ARNG))

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, when he joined the Army part of his contract included the SLRP, he now has over 10 years of service, and he has never had a single penny paid out. He was directed to the Board by ██████████ State Army National Guard Education Benefits office. Over the years he has attempted to remedy his issue through multiple chains of command, through multiple individuals "in charge" at the State level of benefits and education benefits. He has always provided the documentation required by each of these individuals and has essentially gotten the "run around."

3. A review of the applicant's official record shows the following:

a. On 2 July 2012, the applicant enlisted in the ARNG for a period of 6-years. In conjunction with this enlistment NGB Form 6007-5-R-E was completed showing at the time he had seven disbursed loans in the amount of \$25,265.00. The total amount of repayment for qualifying loans would not exceed \$45,000.00 for a 6x2 enlistment option. Anniversary SLRP payments will not exceed 15 percent or \$500.00 (whichever is greater) of the initial disbursed amounts that were approved upon the date of enlistment

to include accrued interest. Payments on loans(s) that have a remaining outstanding balance(s) less than the maximum yearly repayment amount will only be eligible for that amount only. Loan(s) that have a zero balance will not be eligible for payment. The maximum annual payment amount not to exceed \$7,500.00 per year. Payment(s) will be processed on the enlistment anniversary month for each satisfactory year of service, subject to the availability of funds.

b. On 4 April 2013, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

c. On 28 January 2014, Special Orders Number 22 issued by the NGB extended Federal Recognition for the applicant's initial appointment in the Army National Guard.

4. On 26 March 2024, in the processing of this case, the NGB, Special Actions Branch, provided an advisory opinion recommending approval. The advisory official states: The applicant's records show that he enlisted in the [REDACTED] ARNG on 2 July 2012. He signed a SLRP Addendum at the time of enlistment. This SLRP contract was never established in the Guard Incentive Management System (GIMS) because there was no record of the SLRP addendum in GIMS or iPERMS. In September 2018, the contract was terminated, but was returned to an active status shortly. The applicant never received payments toward his student loans. The [REDACTED] ARNG concedes that there was a mistake in processing the applicant's SLRP. His contract was not processed in a timely manner by unit and State representatives. The applicant had no violations and was fully eligible for the incentive. The SLRP contract addendum was not uploaded on time and the contract was never established correctly in GIMS. For these reasons, the NGB recommends that the applicant's request be approved. The applicant met all requirements outlined in the contract addendum. It would be an injustice to deny the applicant SLRP payments since he met all requirements and continues to serve in [REDACTED] ARNG.

5. On 27 March 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

#### BOARD DISCUSSION:

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 evidence shows the applicant enlisted in the [REDACTED] ARNG on 2 July 2012 and signed a SLRP Addendum at the time of his enlistment. According to the NGB, the SLRP contract was never established in the Guard Incentive Management System (GIMS) because there was no record of the SLRP addendum in GIMS or iPERMS and in September 2018, the contract was terminated, but was returned to an active status shortly. The applicant never received payments toward his student loans. The Board

reviewed and agreed with the advisory official’s finding that there was a mistake in processing the applicant’s SLRP. His contract was not processed in a timely manner by unit and State representatives. The applicant had no violations and was fully eligible for the incentive. The SLRP contract addendum was not uploaded on time and the contract was never established correctly in GIMS. Therefore, the Board determined an error has occurred and since the applicant met all requirements outlined in the contract addendum and he continues to serve in the [REDACTED] ARNG, relief is warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

[REDACTED]	[REDACTED]	[REDACTED]:	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 partial 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 the National Guard Bureau (NGB) for payment of his authorized loans, based on his 2 July 2012 Student Loan Repayment Program Addendum
- showing the NGB timely received, processed, and approved his exception to policy, and paying his loans, up to the maximum authorized, and provided all other criteria is met

9/9/2024

X [REDACTED]

---

CHAIRPERSON  
[REDACTED]

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. Department of Defense Instruction (DODI) 1205.21 (Reserve Component Incentive Programs Procedures), currently in effect, requires each recipient of an incentive to sign a written agreement. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.
3. Army Regulation 621-202 (Army Educational Incentives and Entitlements) states to be eligible for the SLRP incentive, a Soldier must contractually obligate himself or herself to serve satisfactorily for the full term of the contractual agreement. A member must execute a NGB Form 600-7-5-R-E on the same date of the service contractual agreement.
4. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

//NOTHING FOLLOWS//