

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230008922

APPLICANT REQUESTS: reconsideration of her previous request for entitlement to payment under the Student Loan Repayment Program.

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

- DD Form 149 (Application for Correction of Military Record)
- self-authored letter

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210010815 on 2 December 2021.
2. The applicant states in pertinent part, she was unaware of the requirement to complete a new Student Loan Repayment Program addendum upon completion of Officer Candidate School to retain her previous Student Loan Repayment Program entitlement. She contests that her leadership and recruiting officials failed to advise her of this requirement despite being aware of her intent. Had she been aware of this requirement she would have been adamant about completing the addendum. In the previous case, the Board noted "the applicant transferred out of the State wherein the Student Loan Repayment Program incentive was authorized." She argues that her relocation was prompted by the COVID-19 pandemic. This global pandemic resulted in the loss of employment for her spouse and suitable income further prompting her relocation from Georgia to Colorado.
3. On 1 June 2012, the applicant enlisted in the North Carolina Army National Guard (NCARNG) for 8 years (92F – Petroleum Supply Specialist) with entitlement to the Montgomery G.I. Bill.
4. On 5 February 2013, the NCARNG issued Orders Number 036-876 awarding the applicant Military Occupational Specialty (MOS) 92F.

5. On 4 November 2014, the NCARNG issued Orders Number 295-968 awarding the applicant 88M (Motor Transport Operator) MOS.

6. On 31 May 2018, the NCARNG issued Orders Number 151-919 discharging the applicant from the ARNG and transferring her into the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 31 May 2018.

7. On 19 June 2018, the applicant enlisted in the GAARNG to serve as a 91B (Wheeled Vehicle Mechanic) for 6 years with entitlement to the MGIB Selected Reserve Kicker and the Student Loan Repayment Program. National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 Student Loan Repayment Program Addendum ARNG of the U.S.) shows:

(1) Section II (Eligibility) provides acknowledgement by the applicant that she was enlisting Duty Military Occupational Specialty Qualified (DMOSQ). She had 11 disbursed loans in the amount of \$28, 948.00.

(2) Section V (Continued Receipt) provides that the Student Loan Repayment Program incentive may be eligible for continued receipt if the servicemember returns from an authorized period of non-availability and extends their enlistment contract to cover the period of non-availability within 90-days.

(3) Section VI (Termination) provides acknowledgment by the applicant that the Student Loan Repayment Program incentive may be terminated without recoupment if the servicemember voluntarily changes their enlistment MOS during the contractual obligation or is discharged from the ARNG. The effective date of termination is the ARNG discharge date. Any break in service will permanently terminate the Student Loan Repayment Program entitlement.

8. On 21 March 2019, the GAARNG issued Orders Number 080-213 awarding the applicant the 91B MOS.

9. On 10 August 2019, the applicant was appointed a Reserve commission at the rank/grade of second lieutenant (2LT)/O-1.

10. On 26 October 2020, the NGB issued Special Orders Number 325 announcing Federal recognition of the applicant's initial appointment in the GAARNG.

11. On 8 February 2021, the NGB issue Special Orders Number 28 announcing Federal recognition of the applicant's interstate transfer from the GAARNG to the COARNG, effective 10 September 2020.

12. On 5 February 2023, a Physical Evaluation Board (PEB) was conducted finding the applicant physically unfit for continued military service. The PEB directed the applicant be administratively separated from military service no later than 22 May 2023.

13. On 18 July 2023, the COARNG issued Orders Number 5392165 involuntarily discharging the applicant from the COARNG due to her failure to meet medical retention standards, effective 23 May 2023.

14. On 2 December 2021, in ABCMR Docket Number 20210010815 the Board denied the applicant's request for relief noting that the applicant's continued eligibility for the Student Loan Repayment Program after she was commissioned required completion of a new Student Loan Repayment Program addendum on the date that she completed her application for appointment. The Board found insufficient evidence indicating that the failure to complete a new Student Loan Repayment Program Addendum resulted from an error. The Board also noted that the applicant has since left the service of the State in which she was originally authorized the incentive. Based on a preponderance of evidence, the Board determined the applicant is not authorized payments under the Student Loan Repayment Program.

#### BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. On 19 June 2018, the applicant completed and signed her NGB Form 600-7-5-R-E (Annex L to DD Form 4 Student Loan Repayment Program Addendum ARNG of the U.S.). By completing this form, she acknowledged she read and understood Section VI (Termination) of this form, which states, the Student Loan Repayment Program incentive may be terminated without recoupment if the servicemember voluntarily changes their enlistment MOS during the contractual obligation or is discharged from the ARNG. The effective date of termination is the ARNG discharge date. Any break in service will permanently terminate the Student Loan Repayment Program entitlement.

3. The applicant's transition from an enlisted to a commissioned status was voluntary and required her discharge; there is no error nor injustice in this case.



REFERENCES:

1. U.S. Army Reserve Fiscal Year 18 SRIP Policy Number 18-01 provides the standards for administering the SRIP to include the Student Loan Repayment Program incentive.

a. Soldiers transferring from the Individual Ready Reserve must complete the DOD Educational Loan Repayment Program Annual Application (DD Form 2475) before or on their date of assignment, but not after.

b. Enlisted Soldiers who enter a commissioning program and/or accept an appointment or commission as an officer or warrant officer in the Selected Reserve (any area of concentration) may continue to receive Student Loan Repayment Program payments as stipulated in their original contract so long as they remain otherwise qualified. A new Student Loan Repayment Program Addendum (NGB Form 600-7-5-R-E) must be completed. The eligibility date for the Student Loan Repayment Program will be the date of completion of the NGB Form 600-7-5-R-E, which will be at the time of completion of the DA Form 61 (Application for Appointment).

2. Army Regulation 601-210 (Active and Reserve Components Enlistment Program) provides that if the Soldier is authorized to continue under the Student Loan Repayment Program, 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.

3. Army Regulation 135-7 (Incentive Programs), restricts the Student Loan Repayment Program 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 Student Loan Repayment Program Addendum must be executed at that time. To be eligible for the Student Loan Repayment Program 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 Student Loan Repayment Program 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 Student Loan Repayment Program 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//