

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230009026

APPLICANT REQUESTS: remission or cancellation of a \$351.28 out-of-service debt.

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

- DD Form 149 (Application for Correction of Military Record)
- email communication

FACTS:

1. The applicant states, in part, the Army falsely claims she owes B Company, 228th Combat Support Hospital a debt of \$351.28. Her alleged debt is unjust and in fact, she asserts, she is owed thousands of dollars the Army has yet to pay.

a. She contends the assessed debt was associated with her attendance at Battle Assembly (BA) after being separated from the Army. She notes, prior to attending every BA, she made inquiries to determine whether her attendance was required; she was advised to be present. She was paid for being there but since the dates of attendance were after her effective date of separation, payment for this BA was not unauthorized.

b. She argues, if her attendance was unauthorized, she should have been advised prior to being present, and her presence should not cause her to incur a debt.

2. A review of the applicant's available service records reflects the following:

a. On 2 September 2015, the applicant enlisted in the U.S. Army Reserve for 8-years to serve as a 68G (Patient Administrative Specialist) and was subsequently assigned to a Troop Program Unit (TPU).

b. On 21 March 2016, the applicant was ordered to Active Duty for Training (ADT).

c. On 17 January 2017, Headquarters, U.S. Army North (Fifth Army) issued Orders Number 017-239 announcing the applicant's award of the 68G military occupational specialty, effective 22 February 2017.

d. On 30 April 2018, Headquarters, U.S. Army North (Fifth Army) issued Orders Number 120-1102 releasing the applicant from ADT.

e. On 13 November 2020, Headquarters, 63D Readiness Division issued Orders Number 20-318-00006 discharging the applicant from military service due to her enlistment in or assignment to the U.S. Air Force Reserve (USAFR) on 6 August 2020.

3. The applicant provides an email communication from August 2020 concerning her enlistment in the USAFR. On 7 August 2020, the applicant's USAFR recruiter requested expeditious processing of the applicant's discharge from the USAR in order to finalize her processing into the USAFR. On 25 August 2020, the Army Reserve Administrator for the 807th Medical Deployment Support Command advised the applicant's USAFR recruiter that documentation was sent to the applicant for signature. She was also advised that there was no BA in September.

4. On 23 January 2024, a Defense Finance and Accounting Service official provided that the applicant's records reflect an "out-of-service" debt of \$351.28 due to her performance of duty from 8-9 August 2020, after her separation date (5 August 2020). The applicant had not made any payments towards this debt.

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 relief was not warranted.

2. The applicant did not provide nor did her service record contain sufficient evidence to support the contention that she attended a Battle Assembly after being separated from the Army.

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.

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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) 135-178 (Enlisted Administrative Separations), Chapter 2-17 (Notification of Discharge) provides that notice of discharge may be either actual (order or certificate) or constructive, when actual delivery of the discharge order cannot be accomplished due to the absence of the Soldier to be discharged. If the Soldier is assigned to a Selected Reserve unit or duty position, receipt of the order directing his or her discharge by the Soldier's organization at the proper station of the organization will be sufficient notice. The date of receipt of the order by the Soldier's organization and the reason actual notice was not given will be entered by endorsement on the back of the discharge order. A confirmed copy of the annotated discharge order will be sent by registered or certified mail to the Soldier at the most recent address provided by the Soldier for that purpose.

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. A Soldier indebted to the U.S. Government may request that the debt be remitted or canceled on the basis of hardship, injustice, or both.

a. Paragraph 7 (Indebtedness to the Army that May be Remitted or Cancelled under Title 10 7837) provides that a Soldier's debts to the U.S. Army may be remitted or canceled on the basis of this regulation in cases arising from:

- Payments made in error to a Soldier
- Payments made in excess of an allowance on behalf of a Soldier
- Debts incurred while serving on active duty or in an active status as a Soldier
- Debts acknowledged as valid
- Debts for which an appeal has been denied
- Debts for which a waiver has been denied
- Debts established as a result of financial liability of investigation of property loss

b. Paragraph 13 (Determining injustice or Hardship) provides that the following standards in this regulation will be used to determine injustice or hardship based on the information received. The following factors will be considered:

- the Army's policy in the area of indebtedness to the Army (for example, excess leave or basic allowance for housing while living in Government housing)

- the Soldier's awareness of policy and procedures; past or present military occupational specialty, rank, years of service, and prior experience are taken into consideration
- the Soldier's monthly income and expenses
- the Soldier's contribution to the indebtedness to the Army by not having the situation corrected.
- additional income or assets (for example, spouse's salary, savings account, and bonds)

c. Paragraph 14 (Additional Factors for Consideration in Determining Injustice) provides that the application packet must contain evidence that either:

- the applicant did not know, and could not have known, of the error; or
- the applicant inquired of a proper authority and was told that the payment was correct

3. Army Regulation 15-185 (ABCMR), paragraph 2-2, provides, the ABCMR will decide cases on the evidence of record. It is not an investigative body.

//NOTHING FOLLOWS//