

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 April 2024

DOCKET NUMBER: AR20230009130

APPLICANT REQUESTS:

- payment of his Health Professions Loan Repayment Program (HPLRP) in the amount of \$50,000.00
- a telephonic/video appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 149 hard copy
- Federal Stanford Loan Master Promissory Notes
- Army Medical Department (AMEDD) Statement of Commissioning
- U.S. Army Recruiting Command (USAREC) Form 1252 (U.S. Army Reserve (USAR) and Army National Guard Incentives Declaration Statement)
- Application for Admission
- NAVIENT loans
- University of Science, Arts and Technology (USAT) Statement
- Office of the Chief of Army Reserve letter
- E-mails with U.S. Army Reserve Command (USARC)
- PNC Bank Forbearance letter
- Payment history
- USAT wire transfer instructions
- PNC Bank Quarterly Account Notices
- Reserve Component Management System screenshot

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 in effect, she commissioned as a 65D (Physician Assistant (PA)) on 28 June 2011 with the incentive of \$50,000.00 for HPLRP for a critical war time shortage Army of Concentration (AOC) of PA. In 2019, she contacted USARC, Pay Loan Center and provided a copy of her promissory note for reimbursement on her previously paid qualified school loans and was informed the reimbursement could only be paid to the lender and not her. She also provided her current pending tuition to the University of Arts and Technology which she attended during the period of 2016 through 2018. Her GI Bill could only cover a portion of her tuition and she was hoping to use her HPLRP but she was denied by the HPLRP reimbursement team. She faces a hardship as her transcripts will not be released for a medical degree she completed as she owes tuition in the amount of \$18,392.23. USARC stated the only qualifying government student loan she has was in the amount of \$14,881.94. She also has the out of pocket payments in the amount of \$33,105.59 plus the out of pocket payments in the amount of \$15,000.00 in other student loans. She was forced to make these payments to avoid a negative credit rating and possible negative effects on her career. She requests the payment of her HPLRP in the amount of \$50,000.00 which has not been paid since her commissioning on 28 June 2011.

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

a. On 19 November 2010, USAREC Form 1252 was completed showing the applicant was entitled to a special pay for 3-years. Item 2 of the form shows special pay or the HPLRP was available to Soldiers in specified (wartime critical shortage list) areas of concentration in the U.S. Army Reserve (USAR) or Army National Guard. The directions state to place a number "1" or "2" next to the applicant's initials to denote which incentive she wished to receive first. She placed her initials next to the special pay of \$20,000.00 per year for three years.

b. On 28 June 2011, the applicant executed her oath of office and was appointed a Reserve commissioned officer in the rank/grade of first lieutenant (1LT)/O-2.

c. On 8 August 2011, Orders Number C-08-111130, issued by the U.S. Army Human Resources Command, the applicant was appointed as a commissioned officer, effective 28 June 2011, and assigned to a USAR Troop Program Unit.

d. On 8 August 2014, the applicant completed her USAREC Form 1166 (Selected Reserve Special Pay Program Contract) showing the applicant was entitled to an annual special pay in the amount of \$20,000.00 for a 3-year service obligation as a 65D Physician Assistant.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty in support of Operation Enduring Freedom on

14 March 2014. She was honorably released from active duty on 22 December 2014. It also shows she completed 9 months and 9-days of active service.

f. DD Form 214 shows the applicant was ordered to active duty on 23 December 2014. She was honorably released from active duty on 19 June 2015 after the completion of 5-months and 27 days of active service.

g. On 25 August 2017, the applicant completed her USAREC Form 601-37.33 (Selected Reserve Special Pay Program Contract) showing the applicant was entitled to \$25,000.00 in Special pay for a 3-year service obligation in the area of concentration 65D.

h. On 30 September 2019, Orders Number HR-9273-00021, issued by HRC, the applicant was ordered to Active Duty for Operational Support (ADOS), effective 15 October 2019.

i. On 29 November 2020, the applicant was honorably released from active duty. DD Form 214 shows she completed 1 year, 1 month, and 15 days of active service.

j. On 8 September 2023, Orders Number HR-3251-00010, issued by HRC, the applicant was ordered to ADOS, effective 1 October 2023.

#### 4. The applicant provides:

##### a. Federal loan applications for;

- application date of 1 June 2007
- application date of 23 November 2009
- application date of 6 August 2008 at Saint Francis University
- application date of 24 July 2016 at University of Science, Arts and Technology

b. Statement of commissioning shows the applicant selected to enter the Reserve under the Special Pay in the amount of \$20,000.00. The applicant was selected for the incentive of Special Pay in the shortage area of concentration 65D on 28 June 2011. She incurred a military obligation of 8-years.

c. Application for admission to the University of Science, Arts and Technology in the Physician Assistant program dated 1 February 2016.

d. NAVIENT loans which shows as of 5 July 2018, the applicant had a \$0.00 balance in student loans.

e. University of Science, Arts and Technology tuition statement shows the applicant has an outstanding balance in the amount of \$18,392.23 from \$47,370.00 in tuition and fees. It also states official transcripts or other documents would not be released until the outstanding balance was paid in full.

f. Letter from the Office of the Chief of the Army Reserve, Health Services Branch to the University of Science, Art and Technology which stated an official transcript was required for Soldiers loans to be paid and for her funds to be released as proof of her classes and/or degree. The balance of \$18,392.23 could not be paid by the Army reimbursement program until an official transcript was received.

g. E-mail dated 16 November 2022, from the applicant to USARC which stated she had requested her loans from lenders since 2019 and she had to pay off her CitiBank and NAVIENT loans to keep them from sending her delinquent letters and harassing her. She was requesting the monies to be reimbursed to her for the loans that she paid off. On the same day, the Student Loan Repayment Team informed the applicant she could not be reimbursed for loans that were already paid off. The pay center could only provide payments to loans that were in good standing and directly to the lender.

h. PNC Bank letter dated 5 April 2023, shows the applicant has an approved collection suspension forbearance for her balance of \$2,102.75. Interest will be accrued while the payments were postponed.

i. Payment history shows the principle of \$26,117.94 plus interest of \$6,987.62 for a total amount of \$33,105.59 which was paid towards a loan.

j. PNC Bank quarterly account notice dated 16 December 2023 shows a loan balance of:

- \$3,709.96 for loan sequence 1
- \$3,709.96 for loan sequence 3
- \$4,583.03 for loan sequence 5
- \$2,102.75 for loan sequence 7

k. RCMS screenshot shows a contract was initiated 29 July 2013 and pending signature for an active loan for a lifetime maximum amount of \$50,000.00 for HPLR.

5. On 28 November 2023, in the processing of this case, Headquarters, U.S. Army Reserve Command (USARC), provided an advisory opinion regarding the applicant's request for the payment of her HPLRP. The advisory official stated the applicant signed a service agreement on 28 June 2011 with special pay – accession bonus only. Per the Army Reserve Medical Department Officer Incentive Programs Policy applicants may contract for both HPLRP and Special Pay at the time of accessions. If multiple

incentives are offered, the applicants must choose the incentive they wish to receive first. The applicant only selected special pay on her service agreement. The HPLRP contract signed on 29 July 2013 is invalid.

Additionally, Army Regulations and policies state that the borrower may not be reimbursed for payments already made on loans. The applicant is requesting payment to the University of Science Arts and Technology for an outstanding balance which was incurred during her attendance during the period of 2016 through 2018. The program was for a medical degree in pediatrics which is a non-critical specialty and a specialty for which she was commissioned.

6. On 4 December 2023, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

7. On 22 December 2023, the applicant responded via e-mail, she stated when she was studying as a Physician Assistant (PA), Army recruiters were offering \$50,000.00 to PAs in student loan repayment with a 3-year commitment to join the Army Reserve and a \$20,000.00 per year in special pay for a maximum of \$60,000.00 for a 3-year commitment. On 19 November 2010, she joined the Army Reserve with an 8-year commitment which offered her both incentives. She was advised by the recruiter to request the special pay during her first 3-years to pay off her high interest credit cards and other debts she incurred while she was studying to be a PA. The thought was since she was just graduating, the 6-month break provided by the government to find a job and a deferment from the Army would buy her some time before she would receive the HPLRP to pay off her student loans during the last 3-years of her contract.

The USARC concurred that at the time of her contract both HPLRP and Special Pay was offered and a Soldier could receive both. As she was directed by the recruiter, she only requested one incentive when she signed her contract for her first 3-years and then requested HPLRP for her second 3-years. Even though this information was not captured on her contract, it was entered into the Reserve Component Manpower System (RCMS). In 2013, she went to the U.S. Army Human Resources Command (HRC) and spoke to them about her incentives, after a review of her contract and other documents she was told she was eligible for the \$50,000.00 in HPLRP. She completed her paperwork to request the payment of the HPLRP and submitted to HRC for processing; however, her student loans were never repaid.

The RCMS Education and Incentives pay shows a HPLRP contract as of 28 June 2011 was initiated on her behalf. This contradicts the advisory opinion that she only elected one incentive on her contract. RCMS also shows she has an active unpaid HPLRP after she submitted her paperwork to HRC in July 2013. USARC also sent out e-mails to Soldiers informing them if they believed they had valid claims to receive student loan repayments, they should submit an inquiry through their unit of assignment. She

submitted such an inquiry many times but still has not received the payments. She still has student loans for her studies for Physician Assistant which is holding her up from taking the medical board examination. The educational institution will not provide her the official transcripts until her student loans are paid. She requests the Board grant her relief for payment of her \$50,000.00 in HPLRP as promised when she joined the Army in 2011.

In her rebuttal, the applicant provided:

a. E-mail dated 3 May 2010 from the U.S. Army Recruiting Command which stated the Army was offering an impressive full time active duty and part time Reserve loan repayment and special pay incentive for PAs. For the Reserves, the Army offered \$20,000.00 for a special pay incentive for a 1-year commitment, \$50,000.00 in PA student loan repayment for a 3-year commitment. The bonus and loan repayment could be combined for a 6-year commitment or a single incentive could be requested.

b. E-mail dated 29 July 2013 from HRC advising the applicant to complete and sign the attached forms as her area of concentration was eligible for up to \$50,000.00 in loan repayment.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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. The Board reviewed the advisory opinion provided by U.S. Army Reserve Command, G-1, and determined that contrary to the opinion the applicant was entitled to receive both incentives, despite not selecting both incentives on her original contract. The Board considered the applicant's statement of having subsequently applying for the incentive and determined her statement was sufficient to grant 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 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 records of the individual concerned be corrected by:

- showing the applicant signed a Service Agreement/Contract to enter the U.S. Army Reserve on 28 June 2011 with two incentives: Officer Accession Bonus and Health Professions Student Loan Repayment Program (HPLRP) up to \$50,000
- showing the applicant's Service Agreement was signed by a service representative and timely processed and entered in the Reserve Component Manpower System (RCMS)
- payment of eligible loans, in accordance with her revised Service Agreement, provided she is otherwise qualified and provided her loans meet statutory and regulatory requirements, as a result of this correction

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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. 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. Army Regulation (AR) 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 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. AR 621-202 (Army Educational Incentives and Entitlements), in effect at the time, prescribes policies, responsibilities, and procedures for the administration of veterans' education programs and education incentives authorized by law.

a. Paragraph 3-4 (Student loan deferment), enrollment in the LRP does not exempt a Soldier from the obligation to repay the loan. The Soldier remains responsible to secure a deferment from the lender. The letter by itself does not secure deferment. The lender must acknowledge and approve all requests for deferments.

b. Paragraph 3-5 (Loans in default), the Army will not repay loans or portions of loans that are in default. It will not repay delinquent payments, their interest and associated charges. The Army will not make payments to Soldiers and will not reimburse Soldiers for payments made by them or any other individual.

c. Chapter 8 (Selected Reserve HPLRP) states this chapter provides policy and guidance for the administration of the HPLRP. Under Title 10, USC, 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.

d. 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)



e. 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.

4. Title 10 USC, section 16302 (Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages), a loan made, insured, or guaranteed through a recognized financial or educational institution if that loan was used to finance education regarding a basic professional qualifying degree or graduate education in a health profession that the Secretary of Defense determines to be critically needed in order to meet identified wartime combat medical skill shortages. The Secretary concerned may repay loans described in subsection (a) only in the case of a person who: performs satisfactory service as an officer in the Selected Reserve of an armed force; and possesses professional qualifications or is enrolled in a program of education leading to professional qualifications, in a health profession that the Secretary of Defense has determined to be needed critically in order to meet identified wartime combat medical skill shortages. The amount of any repayment of a loan made on behalf of any person shall be determined on the basis of each complete year of service and performed by the person after the date on which the loan was made.

5. U.S. Army Recruiting Command Regulation 601-37 (Army Medical Recruiting Program), eligibility criteria governing the appointment of persons into the Army Medical Department (AMEDD), with or without prior service (PS), into the Regular Army (RA) and the Army Reserve (AR) and provide the policies and procedures to process applicants for direct appointments and student programs. Paragraph 9-3 (AR AMEDD Corps Programs and Options), STRAP, HPLRP and Special Pay The policies, provisions, and application guidelines of the STRAP, Special Pay and HPLR are contained in the Selected Reserve Incentive Program (SRIP) memo published by OCAR bi-annually. STRAP and HPLR requirements and processing are located in AR 135-7. HPLRP; Find guidance for the administration of the HPLRP in AR 135-7. Special Pay (1) General. The special pay option is for years of SELRES affiliation. Identify the number of years on the initial contract submitted with the appointment packet. Special pay processes at the beginning of each year of affiliation. The special pay is available for certain critical AOCs based on the needs of the AR. The amounts and critical AOCs will change each FY. The critical AOCs and amounts update at the beginning of each FY.

6. AR 135-7 (Army National Guard and Army Reserve Incentive Program) in effect at the time, prescribes policies and procedures for the administration of the Army National Guard (ARNG) and the United States Army Reserve (USAR) incentive programs.

Chapter 7 (Health Professionals Loan Repayment (HPLR)), provides policy and guidance for the administration of the HPLR Program. Established under section 2172, Title 10, USC, the program is designed to repay designated loans secured by eligible commissioned officers of the Medical Corps (MC) and Army Nurse Corps (AN) assigned to the Selected Reserve.

7. U.S. Army Reserve (USAR) Health Professions Special and Incentive (HPS&I) Pay Plan Policy, Reserve Component Health Professions Loan Repayment Program (RC HPLRP), applicant's may contract for both the RC HPLRP and Consolidated Special Pay (CSP) Program bonuses at the time of accession, provided the applicant meets eligibility requirements and the individual's AOC is in the current USAR CWSL. Soldiers will receive the incentives consecutively in the order selected using the appropriate Incentive Declaration Statement form. Upon signing of the form, Soldiers may not deviate from the selection order. Service members cannot overlap obligation periods or receive concurrent payments. If the HPO does not contract for both incentives at the time of accession, the officer may contract for a CSP Program bonus or the RC HPLRP in the future provided the AOC is in the USAR HPS&I Pay Plan CWSL when the new contract is established.

//NOTHING FOLLOWS//