

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230009322

APPLICANT REQUESTS: in effect, repayment of his government loans under the Student Loan Repayment Program (SLRP) up to \$50,000.00.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Enlisted Loan Repayment Program Addendum Army National Guard (ARNG) of the United States)

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 he requests the repayment of his government loans under the SLRP up to \$50,000.00. He enlisted in the ARNG as a Commissioned Officer Candidate (09S), and as part of his contract he agreed to an 8-year commitment and the Army would repay his government loans up to \$50,000.00 upon completion of Officer Candidate School (OCS). Though he did not complete OCS, according to his contract, it states the SLRP suspension would be lifted once he became qualified in a Military Occupational Specialty (MOS). He became qualified in a MOS in April 2013; however, his SLRP is being denied because he did not complete OCS.

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

a. On 20 March 2012, the applicant enlisted in the ARNG. In conjunction with this enlistment NGB Form 600-7-5-R-E states he enlisted in the ARNG under the 09S option for an 8-year service obligation for an SLRP incentive up to \$50,000.00. He was required to complete the Basic Officer Leadership Course (BOLC) within 24-months upon completion of OCS.

(1) Section V (Loan Repayment) states the government shall repay outstanding loans to be processed on the anniversary date of his enlistment for each satisfactory year of service. Loan in default were not eligible for repayment. He must be duty MOS qualified to receive the SLRP payments (not applicable for 09S).

(2) Section VI (Suspension) states the incentive would be suspended for:

- failure to begin the officer producing program within 1-year of entering the 09S enlistment option
- bachelor's degree not conferred within 2-years of entering the 09S enlistment option
- candidate did not accept commissioning within 3-years of entering the 09S enlistment option
- withdrawal from the OCS program and not duty MOS qualified, the applicant must begin Advanced Individual Training (AIT) within 180-days of withdrawal from OCS; suspension would be lifted upon completion of AIT and awarding a MOS

(3) Section X(Termination with Recoupment) states the applicant understood the recoupment would be effective from the date of enlistment for:

- (09S) Failure to earn a commission or become MOSQ and is subsequently discharged
- (09S) Failure to begin MOS training within 180-days of withdrawal from OCS
- (09S) Failure to become qualified in an enlisted MOS after withdrawal from OCS
- (09S) Failure to accept a commission within 3-years of entering the 09S enlistment option
- (09S) Failure to complete BOLC within 36-months of successful completion of OCS

b. On 26 March 2012, Orders Number 2088002, issued by the Military Entrance Processing Station (MEPS), ordered the applicant to initial active duty for training for completion of Basic Combat Training, effective 28 March 2012 for MOS 09S.

c. On 24 April 2013, Orders Number 3115003, issued by the MEPS, ordered the applicant to initial active duty for training for completion of MOS training in MOS 25B (Information Technology Specialist), effective 25 April 2013.

d. The applicant was honorably released from active duty on 18 September 2013. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-months and 24-days of active service. It also shows in item 11

(Primary Specialty) 25B (Information Technology Specialist) and in item 14 (Military Education) the applicant completed 19-weeks of the Information Systems Operator/Analyst Course in 2013.

e. On 24 June 2019, the applicant extended his enlistment in the ARNG for a period of 6 years.

4. On 5 February 2024, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for payment up to \$50,000.00 of his SLRP. The advisory official recommended approval of the applicant's request.

a. The applicant enlisted in the ARNG on 20 March 2012 and signed an enlisted loan repayment program as part of his 09S contract. He completed Basic Combat Training on 8 June 2012. He was advised he was going to Federal OCS, but his recruiter made an error and listed State OCS on his contract. He was told to contact his recruiter to obtain an enlisted MOS as Federal OCS was not an option. He attended Advanced Individual Training (AIT) in MOS 25B and graduated on 17 September 2013.

b. According to the applicant's contract, withdrawal from OCS and not being duty MOS qualified was a reason for suspension of the incentive. However, if the applicant began AIT within 180-days of OCS withdrawal, the suspension would be lifted upon completion from AIT and the award of an MOS. The contract could be reinstated if he began AIT within 180-days of withdrawal from OCS; however, he was never actually enrolled in OCS and his MOS was changed to 25B. His request should be approved as he followed the proper process for completing an MOS renegotiation and became MOS qualified within 18-months of his original contract so the exception to policy should be approved.

5. On 7 February 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. On 7 February 2024, via e-mail the applicant responded stating that he agreed with the advisory opinion.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official that the applicant took the appropriate steps to remain eligible for his SLRP incentive in spite of not attending OCS. The Board determined the applicant's record should be corrected to

show and exception to policy was approved authorizing him to retain the SLRP incentive.

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 an exception to policy was approved authorizing him to retain his SLRP incentive.

9/3/2024

X █

 CHAIRPERSON
 █

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. National Guard Bureau Army National Guard Selected Reserve Incentive Program in effect at the time, the Selected Reserve Incentives Program (SRIP) for Fiscal Year 2011 helps leadership and personnel managers meet and sustain ARNG readiness requirements. The program provides recruiting and retention incentives to help fill critical shortages. Incentives are used when other less costly methods have proven inadequate or ineffective, and only when necessary to support unit and skill staffing requirements. Paragraph 17 (Student Loan Repayment Program), (12) Enlisted Soldiers who enter a commissioning program and/or accept an appointment or commission as an officer or warrant officer in the Selected Reserve, except as noted above, may continue to receive SLRP payments as stipulated in their original contract as long as they remain otherwise qualified. The SLRP is subject to suspension for the following reasons:

- candidates fail to begin their officer-producing program within 1 year of entering the 09S SLRP option
- candidates do not complete a bachelor's degree within 2 years of entering the 09S SLRP option
- candidates have not accepted their commission within 3-years of entering the 09S SLRP option
- candidates withdraw from the OCS program and do not become DMOSQ, Soldiers must begin AIT within 180 days after withdrawal from OCS, SLRP suspension will be lifted upon finishing AIT and becoming DMOSQ

3. National Guard Regulation 600-7 (Selected Reserve Incentive Program), prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs. Paragraph 1-18 (Suspension of Selected Reserve Incentive Program Incentive), participants will be suspended from the incentive program and will not receive any payments if not qualified and awarded a MOS.

4. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), in effect at the time, prescribes eligibility criteria governing the enlistment of persons, with or without prior service (PS), into the Regular Army (RA), the U.S. Army Reserve (USAR), and the Army National Guard (ARNG).

a. Paragraph 9–18 (Enlistment Program 9L, U.S. Army Reserve Component Incentive Enlistment Program (non-prior Service Enlistment Bonus, prior service Enlistment Bonus, Montgomery GI Bill-SR Kicker, Loan Repayment Program)), this program is available to qualified NPS, PS, Glossary NPS, and ACASP applicants enlisting for the minimum term of enlistment, when authorized under the SRIP as described in chapter 10, this regulation or in AR 621–202 (Army Educational Incentives and Entitlements). The current year approved Selected Reserve Incentive Program will describe all approved Reserve Component incentives.

b. Paragraph 10-3 (Termination of incentives), incentive eligibility will be stopped when any of the termination reasons as listed below apply and that member shall not be eligible to receive any further incentive payments, except for service performed before the termination date. Once declared ineligible, termination of an incentive will not affect a Soldier's responsibility to serve his or her current statutory or contractual service commitment. Termination of eligibility to an incentive will occur, if a Soldier:

- Becomes an unsatisfactory participant, termination date entered into the personnel data reporting systems must be the date the Soldier is declared an unsatisfactory participant
- Is an enlisted Soldier attending high school at time of enlistment and does not become a secondary school graduate within the required time limit
- Fails to become MOS qualified for which contracting
- Accepts a permanent military technician or AGR position where membership in the SELRES is a condition of employment and have served less than six months of the incentive contract term (temporary assignment as a military technician for a period of less than six months is excluded)
- Voluntarily moves to a non-bonus unit or MOS
- Exceeds the maximum authorized period of non-availability
- Fails to extend the contracted term of service for an authorized period of non-availability
- Separates from a SELRES unit or the Individual Ready Reserve (IRR) of the USAR or ARNGUS for any reason. Separation includes, but is not limited to:
 - Discharge, or transfer to the IRR, Inactive National Guard, Standby, or Retired Reserve
 - Enlistment or appointment in the Active Army or in an Active or RC of another U.S. Armed
 - Voluntary entry or ordered to extended active duty in the Active Army
 - Has received the maximum benefit authorized

//NOTHING FOLLOWS//