

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230010225

APPLICANT REQUESTS: entitlement to loan payment for Fiscal Year (FY) 2017-2019 under the Student Loan Repayment Program (SLRP) in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 – SLRP ARNG), 19 September 2016

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 pertinent part that when she enlisted in the Army National Guard (ARNG) one of the major contributing factors driving her decision to enlist were the education incentives and the ability to have her preexisting student loans paid off. She contests that prior to the error being discovered, she would submit all the necessary documentation to her personnel office. However, it was later determined that the information was entered incorrectly in the Guard Incentive Management System (GIMS) resulting in nonpayment. She notes that she is no longer in the GAARNG but currently pursuing her degree. She intends to return to military service and would like this matter resolved prior to doing so.

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

a. On 19 September 2016, the applicant enlisted in the ARNG for 8 years with entitlement to the Montgomery G.I. Bill and the SLRP. NGB Form 600-7-5-R-E reflects that she had 6 existing student loans totaling \$46,790.00. The total amount of repayment for qualifying loan(s) will not exceed \$50,000.00 with annual repayments of 15 percent of the balance of the loan(s), plus accrued interest or \$500.00 plus the accrued interest, whichever is greater, as established by law. This document further

provides that the applicant was enlisting/extending for a term of service of not less than 6 years in the ARNG and she acknowledged that she was permitted to add new disbursed loans only at the time of extensions of not less than 6 years. The applicant understood that the SLRP anniversary payment is not processed automatically. She must continue each year to meet all requirements and her qualification has been verified by the State Incentive/SLRP Manager. Additionally, she is required to complete DD Form 2475 (DoD Educational Loan Repayment Program Annual Application) each year to initiate the repayment process; otherwise, she would not be eligible for payment.

b. On 7 February 2017, the applicant was ordered to active duty to attend and complete Basic Combat Training and the Officer Candidate Course.

c. On 17 July 2017, the applicant was released from active duty and discharged from the ARNG to accept appointment as a commissioned officer.

d. On 19 July 2017, the applicant was ordered to active duty to attend and complete the Adjutant General Basic Officer Leaders Course.

e. On 25 October 2017, the applicant was released from active duty.

f. On 29 December 2017, the NGB issued Special Orders Number 270 retroactively announcing Federal recognition of the applicant's initial appointment as a commissioned officer within the GAARNG, effective 18 July 2017.

g. On 14 January 2020, the NGB issued Special Orders Number 8 announcing Federal recognition of the applicant's promotion to the rank/grade of first lieutenant (1LT)/O-2, effective 18 January 2019.

h. On 25 May 2021, the applicant was honorably discharged from the ARNG.

i. On 2 September 2021, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-09-109668 reassigning the applicant to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 26 May 2021.

j. On 14 February 2022, the NGB issued Special Orders Number IP-9149 announcing the withdrawal of the applicant's Federal recognition, effective 25 May 2021.

k. On 15 February 2024, AHRC issued Orders Number 0224-046-SG15-06 announcing the applicant's appointment as a Veterinarian in the Regular Army at the rank/grade of captain (CPT)/O-3, effective 12 January 2024.

4. On 26 April 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending partial relief of the applicant's request noting that a review of her request by the ARNG Incentives Oversight Branch reveals that the applicant's SLRP payments should have been made, as she was otherwise qualified. Initially the incorrect Loan Repayment program was uploaded into the GIMS system, that error was corrected in 2021 but not actioned until the contract was terminated upon her transition to the Regular Army. An ABCMR determination is required to enable closed year funds to be utilized to make payments. ARNG Incentives Oversight Branch reached out to the GAARNG and was informed that all payments for the applicant were pushed out, but this could not be verified within the system. The GAARNG Deputy G1 provides that the SLRP payments for FY19-FY22 have been submitted and the SLRP payments were processed back on 28 February 2024 with a 90-day payment timeline. The GAARNG Deputy G1 further provided that the applicant's FY17-18 SLRP payment request requires a favorable ABCMR decision to be processed at the State level. Therefore, it is their recommendation that the applicant be granted partial relief of the SLRP payment for FY17-FY21 which have not been previously made.

5. On 1 May 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 15 May 2024, the applicant has not responded.

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.

a. The applicant enlisted in the GAARNG on 19 September 2016, for the SLRP incentive. He submitted all required documents but the information was entered incorrectly in GIMs. Due to GIMs being offline, the error was not able to be fixed until it was live again. Meanwhile, the applicant has transitioned out of the GAARNG and is in the process of joining active duty.

b. According to the NGB, the applicant's SLRP payments should have been made, as the applicant was otherwise qualified. Initially the incorrect Loan Repayment program was uploaded into the GIMS system, that error was correct in 2021 but not actioned until the contract was terminated upon her transition to Regular Army. The Board agreed with the NGB's advisory official that the applicant's SLRP request was inaccurately placed in GIMS at no fault of hers. Therefore, the Board determined relief is warranted for payment of SLRP loans for Fiscal Year 2017 through Fiscal Year 2021.

BOARD VOTE:

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| █ | █ | █ | 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 to the State Incentives Manager the appropriate documentation for payment of her loans, in accordance with her SLRP Addendum, for Fiscal Years 2017 through 2021
- showing the State Incentive Manager or the NGB timely received and processed her annual requests for payment of her loans, provided all other criteria is met

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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. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) Chapter 2 (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10 USC 16301 authorizes the education loan repayment program for qualified members of Selected Reserve (SELRES) enlisted personnel with loans made, insured, or guaranteed under part B of Title IV of the Higher Education Act of 1965 (Title 20 USC 1071), any loan made under part D of such title (Title 20 USC 1087) or any loan made under part E of such title (Title 20 USC 1087). The SLRP is offered to NonPrior Service or Prior Service personnel enlisting under the Officer Candidate School (09S) enlistment option in addition to general SLRP eligibility requirements, must also meet the following criteria:

- Enlist for a minimum of 6 years
- Have a maximum of 90 post secondary semester hours
- Meet the current Armed Forces Qualification Test requirements
- Have not previously received the SLRP
- Be preapproved from the ARNG incentive management system in accordance with the current FY SRIP policy

a. Repayment of any such loan will be made based on each complete year of service performed by the borrower. The total amount that will be repaid on all loans on behalf of any member under this program will not exceed the program maximum amount authorized by FY SRIP policy at time of signature. Service members are required to complete Annual Loan Repayment DD Form 2475 (DoD Educational Loan Repayment Program) each anniversary year upon receipt from Incentive Manager, or unit administrator. Nothing in this section shall be construed to authorize refunding any repayment of a loan. This includes payment made against the loan by any individual or agency, including the member.

b. Paragraph 1-12 (Obligation) provides that participants must enter into a contractual obligation to serve satisfactorily for the full term of service specified for an incentive program authorized by this regulation.

c. Paragraph 1-20 (Incentive Payments) provides payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment

immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing through the incentive management system for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

d. Paragraph 1-21 (Continued Receipt of Incentives) provides that enlisted Soldiers who enter an authorized commissioning program as a non-scholarship recipient and/or accept an appointment or commission as an officer or warrant officer in a SELRES may continue to receive SLRP payments as stipulated in their original contract so long as they remain otherwise qualified.

3. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

//NOTHING FOLLOWS//