

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2024

DOCKET NUMBER: AR20230010295

APPLICANT REQUESTS: remission/cancelation of indebtedness from disenrollment from the Reserve Officers' Training Corps (ROTC).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract), 28 September 2010
- Memorandum, Subject: Disenrollment from the U.S. Army ROTC Program, 31 May 2012
- U.S. Army Advanced Education Financial Assistance Record
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), dated 31 October 2012
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 13 April 2021
- Integrated Personnel and Pay System – Army (IPPS-A) Soldier profile, 16 July 2023

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, he was contracted for ROTC from 2010-2012 and was discharged due to his inability to maintain the Grade Point Average (GPA) requirements. After his discharge from the program, he enlisted in the Regular Army and entered active duty in March 2013. He was informed by a Defense Finance and Accounting Service (DFAS) representative that he would fall under the category which would allow his debt to be cancelled or remitted "Service in Lieu of Repayment." He has served with the Regular Army since 2013 and plans to continue service until he is eligible to retire.

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

a. DD Form 785 (Record of Disenrollment from Officer Candidate Type Training), dated 29 May 2012, shows he was disenrolled from ROTC on 29 May 2012 for failure to maintain a minimum semester academic GPA of 2.0 on a 4.0 scale. On 4 March 2013, he subsequently enlisted in the Regular Army for a period of 4 years and 8 weeks and continued service through reenlistments and appointment as a warrant officer.

b. DD Form 214, ending 13 April 2021 reflects an honorable discharge to accept a commission or warrant in the Army. Item 12 (Record of Service) shows service from 4 March 2013 to 13 April 2021 for a net active service this period of 8 years, 1 month, and 10 days.

c. On 14 April 2021:

(1) The U.S. Army Installation Management Command, Headquarters, Army Garrison, Fort Rucker, AL, issued Orders Number 104-474-A-825 ordering him to six years active duty upon successful completion of the Warrant Officer Candidate Course.

(2) He was appointed as a warrant officer and executed an oath of office.

d. He continues service with the Regular Army.

4. The applicant provides the following:

a. DA Form 597-3 dated 28 September 2010 showing he entered the Michigan Technological University ROTC program for 4 years on 30 August 2010 with an expected completion date of 26 April 2014.

b. Memorandum, Subject: Disenrollment from the U.S. Army ROTC Program, dated 31 May 2012 from the Commanding General of the U.S. Army Cadet Command, Fort Knox, showing he was discharged from the program for failure to maintain the minimum semester academic GPA of 2.0 on a 4.0 scale.

c. U.S. Army Advanced Education Financial Assistance Record showing his debt balance from the ROTC Program at the Michigan Technological University of \$14,838.70.

d. IPPS-A Soldier profile, dated 16 July 2023 showing he is currently serving on active duty with a basic active service date of 4 March 2013.

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 found the applicant's ongoing active duty service that began in 2013 has satisfied the debt he incurred when he was disenrolled from ROTC. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show collection of the debt he incurred upon disenrollment from ROTC was cancelled. As a result of this correction, any monies he had paid toward the debt should be returned to him.

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 cancelling collection of the debt he incurred as a result of his disenrollment from ROTC. As a result of this correction, any monies he had paid toward the debt should be returned to him.

9/24/2024

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. Army Regulation (AR) 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training) in effect at the time prescribes policies and general procedures for administering the Army's Senior ROTC Program.

a. Paragraph 3-31 (Introduction) states the Army ROTC Scholarship Program provides financial assistance to those students who have demonstrated academic excellence and leadership potential. The U.S. Army Scholarship Program's purpose is to provide for the education and training of highly qualified and motivated young men and women who have a strong commitment to military service as commissioned officers.

b. Paragraph 3-43 (Disenrollment) (a)(6) states a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. A cadet will be disenrolled for failure to maintain a minimum semester or quarter cumulative academic GPA of 2.0 on a 4.0 scale or higher if required by the school and at least a 3.0 on a 4.0 scale or equivalent semester or quarter and cumulative average in all ROTC courses.

3. AR 37-104-4 (Military Pay and Allowances Policy), provides the policies and provisions for entitlements and collections of pay and allowances of military personnel. Paragraph 31-2 (Recoupment) states recoupment applies to those individuals who have signed an agreement that contains recoupment provisions. Recoupment action will be taken at transition when the personnel and finance communities identify a Soldier or cadet as being eligible for recoupment action.

4. Title 10 United States Code (USC), section:

a. 2005(a), states that the Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement under the terms of which such person shall agree: (1) to complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement and (2) that if such person fails to complete the education requirements specified in the agreement, such person will serve on active duty for a period specified in the agreement.

b. 2005(c), states the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraph (1) through(4) of such subsection, the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the personal shall be subject to the repayment provisions of section 303a(e) (Repayment of Unearned Portion of Bonuses and Other Benefits When Conditions of Payment Not Met; Termination of Entitlement to Unpaid Amounts) or 373 (Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107 (Financial assistance program for specially selected members)(f) and 2107a(f).

//NOTHING FOLLOWS//