

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 June 2024

DOCKET NUMBER: AR20230010843

APPLICANT REQUESTS: an exception to policy (ETP) resulting in reinstatement and entitlement to loan repayment under the Student Loan Repayment Program (SLRP).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: ETP, 7 November 2017
- Memorandum – Subject: ETP, 8 June 2021

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 her entitlement to loan repayment under the SLRP was terminated after one payment was made. Upon realization of the issue, she notified the appropriate personnel, but the issue remained unresolved. She would simply like the Army to honor the terms of the contract that she signed. She contests that a lot of time has elapsed since the onset of the issue resulting in financial hardship. She notes that she owes approximately \$5,000.00 in student loans. She further provides that she has followed the terms of the contract since its origination.

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

a. On 3 July 2013, the applicant enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) for 8-years to serve in military occupational specialty (MOS) 92F (Petroleum Supply Specialist) with entitlement to the Montgomery G.I. Bill (MGIB), MGIB Kicker, a Non-Prior Service Enlistment Bonus, and the SLRP. National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum ARNG) reflects that she had 2 existing student loans totaling \$50,000.00. The total amount of repayment for qualifying loan(s) would 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 (Department of Defense (DoD) Educational Loan Repayment Program Annual Application) each year to initiate the repayment process; otherwise, she would not be eligible for payment.

b. On or about 3 February 2014, the applicant was awarded MOS 92F.

c. On 10 February 2014, the [REDACTED] ARNG issued Orders Number 41-1019 announcing the applicant's voluntary interstate transfer from the [REDACTED] ARNG to the [REDACTED] ARNG, effective 7 February 2014, in MOS 92F.

d. On 27 August 2018, the applicant elected to extend her enlistment by 6-years in the ARNG with entitlement to a \$20,000.00 Reenlistment/Extension Bonus (REB). NGB Form 600-7-4-R-E (Annex R to DD Form 4 or DA Form 4836 REB Addendum to ARNG of the U.S.) completed at the time of this extension provides in Section II (Eligibility) that if the applicant had an active SLRP contract, she would be eligible to extend provided she would not be receiving any SLRP payments during the period of this REB extension.

4. The applicant provides:

a. Memorandum – Subject: ETP dated 7 November 2017, reflective of the applicant's submitted request for an ETP pertaining to her entitlement to loan repayment under the SLRP and the garnishment of her pay in the recoupment of her enlistment bonus. The applicant provides that her relocation from the [REDACTED] ARNG to the [REDACTED] ARNG was prompted by her parents moving while she was completing Basic Combat Training. She notes the initiation of her request for interstate transfer following her graduation from Initial Entry Training.

b. Memorandum – Subject: ETP dated 8 June 2021, reflective of the applicant's submitted request for an ETP pertaining to her entitlement to loan repayment under the SLRP and the garnishment of her pay in the recoupment of her enlistment bonus. The applicant again refers to her relocation from the [REDACTED] ARNG to the [REDACTED] ARNG prompted by the movement of her parents. She further requests that the ETP be granted for her to receive the incentives that she contracted for.

5. On 27 February 2024, the Chief, Special Actions Branch, NGB, recommended partial approval of the applicant's request noting that after review of her records, the Guard Incentive Management System (GIMS) reflects that she did receive one payment on 4 December 2014. That payment covered Fiscal Year (FY) 2014, FY15, FY16 and FY17. FY18 was erroneously marked paid. Therefore, the applicant is eligible to be paid for FY18 SLRP per her contract. The [REDACTED] ARNG has confirmed that FY19 payment was submitted 13 November 2023 and is being dispersed to the applicant's lender. Payment was delayed due to a change in guidance for FY14 Selected Reserve Incentive Program (SRIP) policy regarding interstate transfers. An ETP for the Soldiers transferring [REDACTED] ARNG to the [REDACTED] ARNG is not required for payment. Therefore, it is their recommendation that the applicant's request be partially approved, i.e., she is owed loan repayment for FY18 as it was erroneously marked "paid" and no payment was dispersed. An ETP is not required for this action.

6. On 21 March 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

7. On 17 April 2024, the applicant responded to the advisory opinion noting that she has consistently sought resolution of this matter since 2017. In support of her argument the applicant provides recently obtained loan documents reflective of payments which were erroneously referred to as paid in November which were not. The applicant provides the following:

a. Email communication reflective of communication between the applicant and members of the [REDACTED] ARNG Education and Incentives Branch between 2017-2024, concerning payment of her REB and the SLRP. The applicant was advised to provide justification for her interstate transfer in the form of an ETP. Since the NGB had already processed the termination of her enlistment incentives, she would need to request relief through the ABCMR. Regarding loan repayment, the applicant was advised to complete DD Form 2475 and provide a detail sheet for each loan. Until processed, the applicant was advised to either make the minimum required payment or request that the loans be placed in forbearance. On 18 January 2024, the applicant was advised that the NGB would make payment of her SLRP directly to the lender so she would need to monitor her account balance to verify payment. This document is further provided in its entirety for the Board's review within the supporting documents.

b. Financial Aid document reflective of the applicant having 2 student loans totaling \$4,661.00. Both loans are currently in forbearance with the last payment being made on or about 1 December 2017.

c. DD Form 2475 (DoD Educational Loan Repayment Program (LRP) Annual Application), reflective of the applicant's incomplete submitted request for payment of her student loans. This document is void of all pertinent data to include the loan amount,

lenders name, account number, remaining balance etc. This document is also void of the Certifying Official's endorsement.

d. Financial Aid document reflective of the applicant having 3 loans with a total balance of \$9,207.00. All loans are currently in forbearance.

e. Group and Loan Summary, as of 28 April 2024, the applicant owes \$9,337.45 with the last payment of \$124.56 being received on 28 March 2024, payment of \$31.80 received on 28 March 2024. Historical payment information for 1 loan (Original Amount - \$3,500.00) further provides that on 12 August 2011, a payment of \$1,750.00 was made; on 10 January 2012, a payment of \$1,750.00 was made. Historical payment information for a 2nd loan (Original Amount - \$2,000.00) provides that on 12 August 2011, a payment of \$1,000.00 was made; on 10 January 2012 a payment of \$1,000.00 was made. Historical payment information for a 3rd loan (Original Amount - \$4,500.00) provides that a payment of \$2,250.00 was made on 18 July 2022, a payment of \$2,250.00 was made on 19 July 2022. These documents are further provided in their entirety for the Board's review within the supporting documents.

#### 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 noted that, per the advisory opinion, the applicant has received the relief she seeks for all but one year, FY18, which was erroneously marked as paid. The Board concurred with the advisory official's recommendation and determined the record should be corrected by processing an SLRP payment for FY18.

#### 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 authorizing the processing on an SLRP payment to her lender for FY18.

12/19/2024

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 Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) in effect at the time of enlistment, Chapter 5 (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10, USC, section 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 Non-Prior Service or Prior Service personnel who meet the following criteria:

- Enlist for a minimum of 6 years
- Have existing student loans at the time of their enlistment
- Enlist in a qualifying SLRP unit
- Completes initial active duty for training and is awarded the contracted MOS

a. Paragraph 1-11 (Personnel Movement Between ARNG units) provides that Soldiers who enlisted after October 1996, who voluntarily transfer for reasons other than unit inactivation, reorganization, or relocation, who contracted for a bonus must transfer

into the same MOS in order to retain their bonus or eligibility will be terminated with recoupment. Continued participation in SLRP requires that the Soldier remain in the MOS in which he/she originally gained eligibility for SLRP and in a valid position in an SLRP identified unit.

b. Paragraph 5-5 (Termination and Processing) provides entitlement and eligibility for the Student Loan Repayment Program will be terminated when a Soldier voluntarily transfers out of the unit and skill for which SLRP was awarded effective the date of transfer.

3. On 12 August 2014, NGR 600-7 was updated. This regulation updated certain provisions in effect from earlier FY incentive programs. Soldiers who entered into agreements in an earlier incentive program will continue to participate according to their contractual agreement, and this regulation when applicable. This regulation does not change the conditions of entitlement, eligibility criteria, or benefits of earlier incentive programs. Total incentive amounts and anniversary payment schedules specified in the original incentive agreement executed at the time of enlistment, accession, reenlistment, extension, affiliation, commission or appointment will remain unchanged.

a. Chapter 2 (Enlisted Incentives), Section VI (SLRP) provides that ARNG Soldiers who voluntarily transfer within the State or interstate transfer must be assigned to an incentive eligible unit or incentive eligible critical skill in accordance with FY SRIP policy in order to continue incentive eligibility. Continued participation in SLRP requires that the Soldier remain in the MOS in which they originally gained eligibility for the SLRP incentive and in a valid position within an MTOE or deployable TDA unit.

b. The Incentive Manager will transfer all corresponding documentation to the gaining state when an interstate transfer occurs.

c. 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.

d. 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.

e. Paragraph 1-19 (Personnel Movement between ARNG Units) provides that ARNG Soldiers who voluntarily transfer within the State or interstate transfer must be assigned to an incentive eligible unit or incentive eligible critical skill in accordance with FY SRIP policy in order to continue incentive eligibility. Continued participation in SLRP requires that the Soldier remain in the MOS in which they originally gained eligibility for the SLRP incentive and in a valid position within an MTOE or deployable TDA unit.

f. 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.

4. The Army National Guard Selected Reserve Incentive Programs (SRIP) Policy for Fiscal Year 2014, effective 2 June 2014 provides that a Soldier participating in the SLRP, who completes an interstate transfer must be assigned as the primary position holder in the MOS that they originally contracted for in order to retain their loan repayment incentive.

5. 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//