

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230011123

APPLICANT REQUESTS: remission/cancellation of a \$94,362.00 debt associated with previously received Reserve Officers' Training Corps (ROTC) scholarship funds.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Disenrollment from the U.S. Army ROTC program, 25 June 2019
- U.S. Army Advanced Education Financial Assistance Record
- DD Form 785 (Record of Disenrollment from Officer Candidate – Type Training), 30 July 2019
- Orders Number 211-01, 30 July 2019
- DD Form 4 (Enlistment/Reenlistment – Document Armed Forces of the U.S.), 7 March 2023
- Excerpt (Page 1) DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.)
- Orders Number 3066003, 27 February 2023

FACTS:

1. The applicant states in pertinent part that he was disenrolled from the ROTC program in June 2019. However, in March 2023, he enlisted in the U.S. Coast Guard Reserve for 6 years and would therefore like his ROTC debt waived because of this service. He notes that repayment of this debt is currently being deducted from his military pay.

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

a. On or about 2 July 2014, the applicant contracted with the U.S. Army Reserve (USAR) in coordination with his 4-year enrollment in the Clarkson University ROTC program.

b. On 25 June 2019, the applicant was disenrolled from the ROTC program under the provisions of Army Regulation (AR) 145-1 (Senior ROTC Program, Organization,

Administration and Training), paragraph 3-43a. (14) due to undesirable character as demonstrated by a civil arrest. He was further advised that when the ROTC scholarship contract is breached, any obligation to the Army must be satisfied by repaying the cost of advanced education assistance provided by the Army. The total amount of monies spent in support of his education was \$94,362.00 to be paid in a lump sum or by the establishment of a repayment plan. A U.S. Army Advanced Education Financial Assistance Record (DA Form 5315-E) detailing the debt was also provided. The applicant was afforded 14 days to respond to this letter. If he failed to respond by the suspense date, initiation of a collection action could result.

c. On 30 July 2019, the U.S. Army ROTC Golden Knight Battalion issued Orders Number 211-01 discharging the applicant from the USAR Control Group (ROTC), effective 25 June 2019, in accordance with AR 135-178 (Enlisted Administrative Separations) paragraph 5-6d. due to undesirable character as demonstrated by a civil arrest.

d. On 7 March 2023, the applicant enlisted in the U.S. Coast Guard Reserve for 6 years.

3. The applicant provides the following a:

a. DD Form 785 dated 30 July 2019, reflective of the Professor of Military Science official notification of the applicant's disenrollment from the Clarkson University ROTC program to the U.S. Army Cadet Command based upon his undesirable character as demonstrated by his civil arrest.

b. Excerpt (Page 1) DD Form 1966 reflective of the applicant's 6-year enlistment in the U.S. Coast Guard Reserve, effective 7 March 2023.

c. Orders Number 3066003 dated 27 February 2023, reflective of the applicant being ordered to active duty on 7 March 2023 for a period of 53 days in order to complete Initial Active-Duty Training.

4. The applicant's records are void of evidence of previous military service or completion of Basic Combat Training.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy

and regulation. Upon review of the applicant’s petition and available military records, the Board determined the applicant was discharged from the USAR Control Group (ROTC), effective 25 June 2019. due to undesirable character as demonstrated by a civil arrest. The Board noted the applicant enlisted into the U.S. Coast Guard, on 7 March 2023, four years after his discharge from the ROTC Program.

2. Although the applicant enlisted into the Coast Guard, it was four years after the fact and furthermore, the records show the applicant was ordered to active duty on 7 March 2023 for a period of 53 days in order to complete Initial Active-Duty Training. The Board noted there is insufficient evidence to show the applicant’s current status. The applicant has not completed a minimum of two years to repay his obligation for his ROTC debit. The Board determined relief is not warranted for remission/cancellation of a \$94,362.00 debt associated with previously received Reserve Officers' Training Corps (ROTC) scholarship funds. Therefore, relief is denied.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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. AR 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. Paragraph 3-43a.(14) (Disenrollment) provides that non-scholarship and scholarship cadets will be disenrolled if they exhibit undesirable character demonstrated by cheating on examinations, stealing, unlawful possession, use, distribution, manufacture, sale (including attempts) of any controlled substances, as listed or defined in 21 USC 812, discreditable incidents with civil or university authorities, falsifying academic records or any forms of academic dishonesty, failure to pay just debts, or similar acts.

a. A board of officers will be appointed by the Professor of Military Science, the brigade commander, or the region commander according to the formal procedures outlined in AR 15-6, as modified by this regulation (see AR 15-6, para 1-1) and guidance from the CG, USAROTCCC, to consider the case of each cadet considered for disenrollment.

b. A cadet who is involuntarily ordered to active duty for breach of his or her contract will be so ordered within 60 days after they would normally complete baccalaureate degree requirements, provided the cadet continues to pursue a baccalaureate degree at the school where they are enrolled in the ROTC or the school where the cadet has agreed to pursue such degree, if the school where he or she is enrolled does not offer that degree. If not academically enrolled, the cadet will be ordered to active duty 60 days from date of notification of active duty. Graduate

students may not be ordered to active duty until they complete the academic year in which they are enrolled, or disenroll from the school, whichever occurs first.

c. Paragraph 3-44 (Discharge and Separation from the USAR) provides that the CG, ROTCCC, is the only authority for discharge of scholarship cadets. The Professor Military Science, Brigade Commander or the Region Commander is the authority for discharging non-scholarship cadets. ROTC cadets normally will be honorably discharged on the date of disenrollment from the ROTC program, except those ordered to active duty under the terms of their ROTC contract. Upon disenrollment from the ROTC, a cadet assigned to Control Group (ROTC), who is not ordered to active duty or pending such an order and has previously completed a basic training course conducted by a U.S. Armed Force, will be transferred to the IRR if the military service obligation has not been met. A cadet assigned to Control Group (ROTC) who is not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC. Cadets assigned to USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government.

2. Title 10, United States Code, section 2005 (Advanced Education Assistance: Active-Duty Agreement; Reimbursement Requirements), provides 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 with the Secretary concerned under the terms of which such person shall agree:

a. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement.

b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army).

c. That if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed, such person shall be subject to the repayment provisions of Title 37 USC, section 303a(e); and

d. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

3. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10

USC, section 4837 when the debt is incurred while not on active duty or in an active status.

//NOTHING FOLLOWS//