

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20230011988

APPLICANT REQUESTS: payment of his student loans through the Enlisted Loan Repayment Program (ELRP)

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 600-7-5-R-E (ELRP Addendum)
- ELRP Emails
- DD Forms 2475 (Department of Defense (DoD) Educational Loan Repayment Program Annual Application)
- DA Forms 705 (Army Physical Fitness Test (APFT) Score Card)
- Student Loan Information

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 has not received the full benefits under the ELRP. This was in his initial contract when he joined the Army National Guard (ARNG). He would like to receive his ELRP benefits as stated in his contract. He only knows of one payment that was made towards his student loans. He made repeated efforts to send/give the necessary documents to personnel to complete the process for payments. There seemed to be a lack of personnel or effort to rectify the issue. He was told, at one point, that he may have become ineligible, but he never received any documentation that stated that, nor does he know why he would have been ineligible. He contacted several people in his unit and the education department to try to resolve the issues he was having. He was told multiple times that this was being taken care of and would be resolved. It was not until recently when he contacted the education department in Indianapolis that he was told that his only option was to send an application to the Board.

3. The applicant provides the following documents:

a. Email, in regard to the payment of his student loans, which are available for the Board's review.

b. DD Forms 2475 (DoD Educational Loan Repayment Program Annual Application) 3 September 2015 and 24 October 2015, wherein he is requesting payment of his student loans. The DD Form 2475, 3 September 2015 is signed by a certifying official, DD Form 2475, 24 October 2015 is not signed by a certifying official. A document entitled Lender Verification is attached to the first DD Form 2475 and shows he has two loans in the amounts of \$10,499.34 and \$17,601.56.

c. DA Forms 705 (APFT Scorecard) show he passed his APFT on 2 November 2013, 18 October 2014, 30 June 2015, 14 October 2016, 15 April 2016, and 20 May 2017. There are no DA Forms 705 showing he failed his APFT.

d. His student loan information, which is available for the Board's review.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the ARNG on 9 August 2010. He remains in the ARNG through immediate reenlistments.

b. NGB Form 600-7-5-R-E (Enlisted Loan Repayment Program Addendum), 29 September 2010 shows he was enlisting in the ARNG for ELRP. He had four disbursed loans existing in the amount of \$36,149. The total amount of repayment for qualifying loan(s) will not exceed \$50,000. The portion of the ELRP that may be repaid annually will not exceed 15 percent (not to exceed \$7,500 per year) of the total of all loan principal or \$500, whichever is greater. He would be terminated from the ELRP if he failed to obtain duty military occupational specialty (MOS) qualification within 24 months, if he had two consecutive record APFT failures or two consecutive failures to meet body fat standards. The addendum does not specify the MOS he was enlisting in.

c. Orders 103-464 published by Headquarters, United States Army Training Center and Fort Jackson, 13 April 2011 awarded him the MOS of 36B (Financial Management Technician) effective upon completion of the 36B course.

d. DA Forms 705 show he failed his APFT on 16 October 2015. The other DA Forms 705 show he passed the record APFT.

5. On 2 July 2024, the Chief Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion, which states:

a. The applicant requests full payment of the incentive. NGB recommended denial of his request.

b. On 9 August 2010, he signed and dated a DD Form 4 thereby enlisting into the Indiana ARNG (INARNG) for a period of six years. In conjunction with his enlistment, he signed Annex L to DD Form 4 (ELRP Addendum). The ELRP would pay annually on any qualified loans, not to exceed 15 percent or \$500, which is greater. The annual and lifetime caps were \$7,500 and \$50,000 respectively.

c. On 5 January 2016, a Notification of Incentive Discrepancy memorandum, 4 December 2015 was delivered to his address on file via U.S. Postal Service (USPS) certified mail. The memorandum indicated the reason for discrepancy as: "Servicemember failed two consecutive APFTs. Termination date is the date of the second failure, effective date in Guard Incentive Management System (GIMS) is 30 April 2012." At the time of this memorandum, he had received his first payment for Fiscal Year (FY) 2011 totaling \$5,33.15. He was given 45 days from the date of the memorandum to request an exception to policy of the termination. There is no evidence or claim made by him that he responded to the request.

d. He asserts he does not know why his incentive has not been paid and does not know why he may have become ineligible. His APFT history in GIMS shows his first APFT failure on 21 November 2011, and his second consecutive APFT failure on 30 April 2012. The ELRP bonus addendum, signed by the applicant, states in Section V Termination Without Recoupment that he would be terminated from bonus eligibility for two consecutive APFT failures or two consecutive failures to meet body fat standards.

e. He provided, in his application, his APFT history on DA Forms 705 from 2 November 2013 to 20 May 2017. He did not provide a complete picture of his APFT history, or any statements from his chain of command to substantiate his claim for continued receipt of the ELRP incentives. No additional APFT records are available in his electronic file. Based on the documentation available, it is reasonable to believe that the termination of his incentive was executed appropriately. NGB recommends denial of his request for continued receipt of the ELRP due to the absence of competent evidence to validate that an injustice to his record occurred.

f. The opinion was coordinated with the ARNG G1 Operations Division, Incentives Oversight Branch. The INARNG concurs with the opinion of NGB. NGB included a screenshot of the applicant's GIMS data, the Notification of Incentive Discrepancy and Exception to Policy Process memorandum, 4 December 2015, and the USPS tracking data with their advisory opinion.

6. On 9 July 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

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.


2. The applicant’s contentions, his military record, and the incentive addendum to his contract with the circumstances triggering termination. The Board considered the review and conclusions of the NGB advising official citing the reasons for termination of the incentive, the specific dates of APFT failures as documented in GIMS and the notification to the applicant. The Board found the applicant provided evidence of APFT passing scores for the period of time after the failures noted in the advisory opinion, but did not provide evidence that the failures cited by the NGB were in error. Based on a preponderance of evidence, the Board determined that the terminations of the applicant’s incentive by the NGB was not in error or unjust.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX:	XX:	XX:	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.


X //SIGNED//

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, U.S. Code, 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) 601-210 (Regular Army and Reserve Components Enlistment Program) 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 6-5 (Procedures applicable to RA, USAR, and ARNG), subparagraph k, the guidance counselor will review the enlistment annex which is an important part of the enlistment process to prevent the possibility of an erroneous enlistment, broken enlistment commitments, and misunderstanding on entitlements, assignments, and other matters relating to the enlistment agreement. The counselor ensures that statements for enlistment entered on the enlistment annexes are accurate reflect the enlistment commitment.
 - b. Paragraph 9-9 (Enlistment Program 9C, U.S. Army Incentive Enlistment Program (Enlistment Bonus, Army College Fund, Loan Repayment Program), this program is available to qualified Non-Prior Service (NPS), Prior Service (PS), and Army Civilian Acquired Skills Program (ACASP) applicants enlisting for the minimum term of enlistment, when authorized by Headquarters, Department of the Army (HQDA)

enlistment incentives message. Soldiers paid the enlistment bonus must (unless otherwise directed by HQDA) serve in the designated MOS for the period of enlistment (including changes in MOS due to normal skill progression).

3. Department of Defense Instruction (DoDI) 1304.31 (Enlistment Bonus Program), establishes policy, assigns responsibilities, and prescribes procedures for a bonus payment.

a. Paragraph 4.1a, authorized by Section 331(a)(1) of Title 37, U.S.C., provides a monetary incentive that may be offered to encourage an individual with no prior military service to enlist in a Military Service.

b. Paragraph 4.1b, the Secretary of the Military Department concerned may pay an entitlement bonus in exchange for an individual's agreement to serve for a specified period in a designated skill.

4. National Guard Bureau 600-7 (Selected Reserve Incentive Program) governs incentive policies, procedures, and eligibility criteria for persons entering into an incentive agreement at the time of enlistment, affiliation, reenlistment, extension, commission, or appointment into the Army National Guard, on or after the effective date of this regulation.

a. This regulation updates certain provisions in effect from earlier fiscal year 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. An incentive agreement cannot exceed the limits of the law or authorized limits of the Secretary of the Army (SA). Retroactive entitlement or reinstatement based on the revised or amended policy contained in this regulation is not authorized.

b. Paragraph 2-24b, lists the Student Loan Repayment Program (SLRP) eligibility requirements that may be offered to Prior Service enlistees, and current Army National Guard members. These requirements include:

(1) Soldiers who previously contracted for SLRP in the Selected Reserve are only entitled to the maximum benefit established by the original contract, minus and amount previously paid under the contract.

(2) Soldiers who have previously contracted for SLRP and have completed the contract term in the Selected Reserve are not authorized another SLRP.

//NOTHING FOLLOWS//