

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230013270

APPLICANT REQUESTS: reconsideration of her previous request for payment of her Health Professions Loan Repayment Program (HPLRP)

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

- DD Form 149 (Application for Correction of Military Record)
- Request for Reconsideration

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220007543 on 27 February 2023.

2. The applicant states:

a. She has been requesting HPLRP payment prior to being discharged with no resolve.

b. In her prior request, Docket Number AR20220007543, boarded on 27 February 2023, she requested the HPLRP payment and the case had many errors; therefore, she would like for her case to be reconsidered. U.S. Army Human Resources Command (AHRC) never approached her on 16 February 2012 regarding submittal of her request via the self-service web-enabled education benefits system portal (WEBS) portal. The advisory Board referred to her as captain. She was honorably discharged as a first lieutenant. Her Health Professions Accessions Bonus (HPAB) did not overlap with her HPLRP. She completed HPAB within 16 months of qualifying for HPLRP.

c. The errors listed are unjust because they are incorrect information. She would not hesitate to apply for HPLRP if she was given instruction, which she never received. Based on the incorrect information, she is requesting the Board reconsider her HPLRP benefit. She signed a legal document presented to her by a U.S. Army recruiter in [REDACTED] 2009.

d. She had been requesting this payment prior to her honorable discharge. Her HPAB ended on 12 May 2012 and her HPLRP should have covered from 13 May 2012 until her honorable discharge on 22 August 2013.

e. She attempted numerous times within three years from her discharge to present where she requested payment for HPLRP. With each request, she never received instructions only unique responses each time denying her benefit.

f. Her HPAB ended on 12 May 2012. Her HPLRP went into effect on 13 May 2012. She was honorably discharged on 8 August 2013. The difference is 16 months qualifying her the first \$20,000 agreed to and she signed for. She qualifies for the second \$20,000 she agreed to and signed for prorated for the remaining four months, which is equal to \$6,600.

g. She never received contact from AHRC regarding the self-service WEBS portal. She never received this information when she made numerous attempts to obtain the HPLRP benefit.

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

a. DA Form 71 (Oath of Office - Military Personnel) shows the applicant took the oath of office as a Reserve Commissioned Officer in the rank of second lieutenant on 2 January 2009.

b. Selected Reserve Special Pay Program Contract, 2 January 2009, shows the applicant elected specialty pay in the amount of \$5,000 per year for three years as a 66H (Army Nurse).

c. DA Form 5536-R (Agreement HPLRP) shows the applicant was eligible for the HPLRP as a 66H. She must remain in the Selected Reserve in good standing to obtain loan repayments. She understood the maximum aggregate amount of repayment under the agreement was \$3,000 per year up to \$20,000. Her eligibility would be terminated if she:

- became an unsatisfactory participant
- was separated from the Selected Reserve
- entered the Individual Ready Reserve
- transferred to a medical/nursing specialty not designated as a critical specialty
- was not licensed or certified in the critical medical/nursing specialty

d. Amendment to DA Form 5536-R, 2 January 2009, stated the applicant understood the maximum aggregate amount of repayments under the agreement had

been increased to \$20,000 per year for the first two annual payments or the remaining balance of the loans, whichever was less. The third annual payment would not exceed \$10,000 or the remaining balance of the loans. The total payments for the program would not exceed \$50,000.

e. Orders B-05-002264, published by AHRC, 3 May 2010, promoted the applicant to 1LT effective 3 June 2010.

f. DA Form 1059 (Service School Academic Evaluation Report), 3 December 2010, shows the applicant completed the Army Medical Department Basic Officers Leader Course.

g. Letter from Health Service Branch, Director of Human Resources, 27 June 2013, informed the applicant she had been determined to have a medically disqualifying condition. On 3 July 2013, the applicant acknowledged receipt of the letter and requested an honorable discharge from the U.S. Army Reserve (USAR).

h. Memorandum Request for Separation Due to Medical Disqualification for Retention, 23 July 2013, requested an honorable discharge of the applicant based on her medical disqualification and her election to be discharged.

i. Orders 13-206-0001, published by Headquarters, United States Army Reserve Command, 25 July 2013, honorably discharged the applicant effective 22 August 2013.

4. On 27 February 2023, the ABCMR denied the applicant's request for payment of her HPLRP in AR20220007543, stating:

a. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, an advisory opinion, and regulatory guidance were carefully considered.

b. The Board noted the applicant signed a three year \$5,000 annual HPAB contract and elected to participate in the HPLRP; however, obligation periods cannot overlap, nor can incentive payments be received concurrently. The Board concurred with the advisory official finding the applicant's incentive eligibility terminated on her separation from the Selected Reserve per the termination section of her contract.

c. The Board concluded there was insufficient evidence of an error or injustice which would warrant relief in her case.

d. The entire previous case, to include the advisory opinion, is available for the Board's consideration.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found insufficient evidence to support a recommendation to amend the Board's previous decision. Although the applicant states she did not receive any information related to her loan repayments in 2012, the evidence confirms a message was sent and, even if she didn't receive the message, it was ultimately her responsibility and in her best interest to seek out information on the program's requirements on her own. Based on a preponderance of the evidence, the Board determined her failure to submit a request for loan repayment prior to her discharge does not constitute an error or injustice.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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 that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20220007543 on 27 February 2023.

11/1/2024

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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 (USC) section 15302 states the HPLRP is designed to repay designated loans secured by eligible health professional officers serving in the Selected Reserve with wartime critical medical skill shortages. Loans that are considered eligible for repayment are loans that were secured for the first qualifying degree that qualified the officer for the area of concentration which they were commissioned. With the exception of certain Physician Assistant programs, undergraduate and prerequisite courses for admittance into a qualifying degree program, like medical and dental school, is not authorized for payment. Health professional critical specialties will be identified and authorized for the HPLRP in annual headquarters, Department of the Army policy guidance.

2. Army Regulation 621-202 (Army Educational Incentives and Entitlements states the HPLRP will repay outstanding loan(s) that were secured according to Title 10 USC 16302, to finance health professional education approved by the Secretary of Defense as a critical specialty needed to meet wartime, combat medical skill shortages.

3. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPO)) establishes policy, assigns responsibilities, and prescribes procedures for Military Department payment of incentives and bonuses to HPOs. For Reserve Component (RC) HPLRP (RCHPLRP) it states:

a. Qualified loans to participants are for the actual costs paid for tuition and other reasonable educational expenses and reasonable living expenses relating to the attainment of a degree in a health profession eligible for the RCHPLRP. Qualified loans must have documentation that indicates the loan was incurred concurrently with the training received in a health professions school. If health professions educational loans are refinanced, the original documentation of the loan(s) will be submitted to the Secretary concerned to establish the simultaneous nature of such loans. The loan must have been secured at least 1 year before the repayment date.

b. A RCHPLRP loan repayment may consist of payment of the principal, interest, and related expenses of a loan obtained by an eligible person for reasonable educational expenses and reasonable living expenses incurred during attendance at an accredited educational institution.

c. The amount of repayment of any loan on behalf of any officer will be determined on the basis of each complete year of satisfactory service as an officer in the SELRES and performed by the officer after the date on which the loan was made.

d. The annual maximum award amount that the Secretary concerned may grant a program participant will be issued in the HPS&I pay plan. The repayment will not exceed the outstanding balance. The borrower will not be reimbursed for payments already made on loans.

e. The loan repayments will be paid to the lending institution on behalf of the officer. loans in default are not authorized for repayment.

f. Loan repayment benefits are taxable, requiring that a portion of the annual benefit be withheld for tax and not be paid to the lending institution. The officer is responsible for paying the portion of the benefit representing taxes withheld to the lending institution. This provision is to be applied in accordance with current tax authority.

//NOTHING FOLLOWS//