

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2024

DOCKET NUMBER: AR20230013603

APPLICANT REQUESTS: payment under the Student Loan Repayment Program (SLRP) incentive.

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

- DD Form 149 (Application for Correction of Military Record)
- Annex E to DD Form 4 Enlistment Bonus Addendum Army National Guard (ARNG) of the U.S., 21 October 2004
- DA Form 5435 (Statement of Understanding – the Selected Reserve Montgomery G.I. Bill), 21 October 2004
- Guard Annex (Enlistment/Reenlistment Agreement ARNG Service Requirements and Methods of Fulfillment), 21 October 2004

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 that loan repayment under the SLRP in 2014 was not processed due to no fault of his own.
3. A review of the applicant's available service records reflects the following:
 - a. On 21 October 2004, the applicant enlisted in the ARNG for 8 years to serve as a 19K (M1 Abrams Armor Crewman) with entitlement to an \$8,000.00 enlistment bonus (\$6,000.00 Critical Skill and \$2,000.00 Off-Peak Bonus) and the Montgomery G.I. Bill. A review of the applicant's available service records fails to reflect evidence of a National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum ARNG) reflective of his entitlement to the SLRP incentive.
 - b. On 12 May 2005, the GAARNG issued Orders Number 132-002 announcing award of the 19K Military Occupational Specialty (MOS).

c. On 19 November 2009, the applicant elected to extend his enlistment by 6 years with entitlement to the SLRP incentive. NGB Form 600-7-5-R-E (SLRP Addendum) Section V (Termination) provides acknowledgement by the applicant that his entitlement may be terminated if he voluntarily transferred out of the contracted unit or MOS for which the incentive was approved.

d. On 25 May 2010, the [REDACTED] ARNG issued Orders Number 145-771 announcing award of the 11B (Infantryman) Primary MOS (PMOS), effective 24 April 2010.

e. On 18 February 2011, the [REDACTED] ARNG issued Orders Number 049-709 announcing the applicant's promotion to the rank/grade of sergeant (SGT)/E-5, effective 16 February 2011.

f. On 28 February 2011, the [REDACTED] ARNG issued Orders Number 059-830 reassigning the applicant to 2nd Battalion, 121st Infantry, effective 2 April 2011. These orders further provide that this move was based upon an "Individual's Request."

g. On 3 October 2012, the [REDACTED] ARNG issued Orders Number 277-871 announcing the applicant's promotion to the rank/grade of staff sergeant (SSG)/E-6, effective 19 September 2012.

h. On 14 November 2015, the applicant elected to extend his enlistment by 6 years with entitlement to a \$12,000.00 Reenlistment Bonus (REB). NGB Form 600-7-3-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, he would be eligible to extend provided he would not be receiving any SLRP payments during the period of this REB. Section VI (Termination) provides that entitlement to the REB would terminate if the applicant voluntarily changed his MOS or contracted unit during the contracted period.

i. On 24 September 2020, the [REDACTED] ARNG issued Orders Number 686487 announcing award of the 91B (Wheeled Vehicle Mechanic) MOS, effective 31 March 2020.

j. On 9 January 2022, the applicant elected to extend his enlistment by 6 years.

4. On 15 April 2024, the National Guard Bureau, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that review of his available personnel records reflects that he signed an SLRP Addendum effective 21 October 2010. The SLRP was halted because of a "monitor rule fail" in the Guard Incentive Management System and eventually terminated on 13 June 2018. The contract was returned to an active status and is currently pending validation.

The ■■■ ARNG concedes that there was a mistake in processing the applicant's SLRP. In April 2011, the applicant was transferred out of his incentives contracted unit. According to his transfer orders, the applicant voluntarily requested this transfer as indicated on his orders as "Individuals Request." This change in his contracted unit triggered the termination of his incentive and he was no longer able to have the SLRP in accordance with Section V of his SLRP addendum. However, upon looking into the orders, this was not an "Individual Request," and instead, he was selected via the Enlisted Promotion System and transferred to the new unit. ■■■ ARNG verified this information and recognizes that there was a problem when they were creating administrative orders. ■■■ ARNG have since corrected this issue with orders. For those reasons, they recommended that the applicant's request be approved further acknowledging that he met all requirements outlined in the contract addendum and did not voluntarily transfer from his contracted unit.

On 12 April 2024, the ■■■ ARNG issued Orders Number 059-830 (A1) amending Orders Number 059-830 to reflect that the reassignment reason was due to "Inactivation, Reorganization or Relocation" vice "Individual Request."

5. On 17 April 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 17 July 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendation from the NGB advisory opinion, the Board concluded there was sufficient evidence for changing the applicant's record by paying his Student Loan Repayment Program (SLRP) incentive, as long as all other matters continue to show he qualifies (for example, there continues to be a balance due for the student loans).

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 Army records of the individual concerned be corrected by paying his Student Loan Repayment Program (SLRP) incentive, as long as all other matters continue to show he qualifies (for example, there continues to be a balance due for the student loans).

1/7/2025

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 (NGR) 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. 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//