

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 October 2024

DOCKET NUMBER: AR20230014021

APPLICANT REQUESTS: payment of his May 2011 Enlisted Loan Repayment Program incentive in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- Enlisted Loan Repayment Program Addendum, Army National Guard, 4 May 2011

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 is requesting the remainder of payments for his Student Loan Repayment. He has only received payment for \$3,473.04 of \$12,000.00 included in his contract. The payments were never processed due to the failure of multiple units to forward submitted documents for payment. It was brought to his attention on 21 October 2023 that a ABCMR Board decision was necessary due to how overdue the payments are. He has been working with his unit for the past couple years to get caught up on payments but has only received \$3,473.04 of the \$12,000.00.
3. The applicant enlisted in the Georgia Army National Guard (GAARNG) on 4 May 2011. In connection with this enlistment, he signed an Enlisted Loan Repayment Program Addendum, that states:
 - He is a non-prior service applicant enlisting for a term of service of not less than 6 years in the Army National Guard of the United States with a concurrent statutory military obligation of 8 years.
 - He has 3 disbursed loans existing in the amount of \$12000.00. The total amount of repayment for qualifying loan(s) will not exceed \$50,000

- Loans must be one year old or older on his first anniversary eligibility date to qualify for this program; loans that fall into default at any time after his enlistment/reenlistment/extension will not be eligible for repayment; loans that are in default at the time of his enlistment/reenlistment/extension will not be eligible for repayment
- The portion of the ELRP (\$50,000) that may be repaid annually on any qualifying loan(s) will not exceed 15% (not to exceed \$7,500 per year) of the total of all loan principal or \$500, whichever is greater
- The annual payment will include interest as long as the combined principal and interest does not exceed the maximum authorized under law; payment will be processed on the anniversary date of his enlistment for each satisfactory year of service

a. He entered active duty for training from 10 August to 23 October 2012 and completed basic combat training. His DD Form 214 for this period states:

- Member has not completed first term of service
- Soldier is an 09S basic training graduate, nothing follows

b. He was discharged from his enlisted status on 3 August 2012 to accept appointment as a commissioned officer. His NGB Form 22 (Report of Separation and Record of Service) shows he completed 1 year and 3 months of ARNG service and/or his 6-year commitment.

4. He was appointed a Reserve officer of the GAARNG and executed an oath of office on 4 August 2012.

a. He entered active duty for training from 21 September 2014 to 4 February 2015 and completed the Ordnance Officer Basic Leader Course. He was promoted to first lieutenant in August 2014 and to captain in February 2019.

b. He served on active duty from 18 June 2016 to 15 October 2017 and from 22 January 2019 to 24 January 2024.

c. His NGB Form 23, ARNG Current Annual Statement, shows he has completed 13 qualifying years of service towards non-regular retirement.

5. The National Guard Bureau (NGB) provided an advisory opinion on 27 August 2024 in the processing of this case. An NGB official restated the applicant's request for payment of his Enlisted Loan Repayment Program incentive and recommended: Partial Approval, with the following discussion.

a. The applicant states that he signed an Enlisted Loan Repayment in the GAARNG in 2011. He requests payments towards the loan that he never fully received. The applicant's records show that he signed a Student Loan Repayment Program Addendum (SLRP) effective in 2011. The contract was closed in 2017 because there was no activity in five years. The system eventually returned the status to "active loan" from "terminations" in 2019. However, the actual payment made on the loan was less than \$4,000. The applicant's contract was for three disbursed loans in the amount of \$12,000.

b. The payments made toward the applicant's loans were to be made after he returned from deployment. Once he returned from deployment, the paperwork was completed, but payments were not made per schedule. The applicant's loans fell into default in 2013 because no payments were made between 2010 to 2013. The NGB Form 600-7-5-R-E (SLP Addendum) Section III states that "loans that fall into default at any time after enlistment/reenlistment/extension will not be eligible for repayment." Since the applicant's loans fell into default in 2013 after he entered GAARNG, those loans are now no longer eligible for this incentive.

c. For these reasons, it is the recommendation of this office that the applicant's request be partially approved. GAARNG partially supports the applicant's request for loan repayment for FY 11 and FY12 when the applicant was in good standing. Since the loan fell into default in 2013 and the applicant did not receive payments in 2011 and 2012, he should have those loan repayments made, but the loans in default are not eligible for repayment.

d. The Army National Guard Incentives Branch did not provide input for this recommendation. The GAARNG concurs with this recommendation.

6. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a rebuttal and/or comments. The applicant responded and stated that the Advisory Opinion states in para 3c that his student loans fell into default in 2013 due to no payments being made. He has attached loan history shows each of the loans were either paid in full by consolidation, in deferment, or in forbearance at that time. It also shows that no loans were ever put into default before or after that time. Paragraph 3c of the Advisory Opinion also states no payments were made between 2010 to 2013. The payment history shows 8 payments made from 2010 to 2011 prior to the loans reentering deferment/forbearance. The loans have remained in good standing since inception and should be eligible for repayment.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/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, available military records and National Guard Bureau – Special Actions Branch advisory opinion, the Board notwithstanding the advising official recommendation for partial approval finding the applicant's enlisted loan payment contract was closed in 2017 because there was no activity in five years. The system eventually returned the status to "active loan" from "terminations" in 2019. The opine recommended the applicant's request be partially approved. GAARNG partially supports the applicant's request for loan repayment for FY 11 and FY12 when the applicant was in good standing.

2. However, the Board determined there is sufficient evidence to support the applicant contention for payment of his May 2011 Enlisted Loan Repayment Program incentive in the Army National Guard. The Board noted, the evidence provided by the applicant in his rebuttal showing the loan history and payments. The Board agreed, based on the detailed GIMS printout the applicant's loans were either paid in full by consolidation, in deferment, or in forbearance at that time. It also shows that no loans were ever put into default before or after that time. Based on the preponderance of evidence, the Board granted full relief for payment of the applicant's May 2011 enlisted loan repayment program incentive.

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 that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show the applicant is authorize payment of his May 2011 Enlisted Loan Repayment Program incentive in the Army National Guard.

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. National Guard Regulation 600-7 (Selected Reserve Incentive Programs) Chapter 5 (Student Loan Repayment Program) in effect at that time provides guidance for the administration of the Student Loan Repayment Program. Eligible service members are required to complete a Student Loan Repayment Addendum (NGB Form 600-7-5-R-E) as part of the enlistment or reenlistment/extension contract. Paragraph 5-3 (Eligible Loans and Entitlement) provides that loans that are eligible for repayment must be guaranteed under Part B of the Higher Education Act of 1965 or under Part E of the Act after 1 October 1975. These loans include:

- Stafford Loans (subsidized)
- Stafford Loans (unsubsidized)
- Federally Insured Student Loans (FISL)
- Perkins Loans (formerly NDSL)
- Auxiliary Loans to Assist Students (ALAS)
- Supplemental Loans for Students (SLS)

- Consolidated Loan Program (CLP) and (SMART)
- William D. Ford Federal Direct Loan Program

Loans that fall into default at any time after a member's enlistment, reenlistment, or extension will not be eligible for repayment. Loans that are in default at the time of a member's enlistment, reenlistment, or extension will not be eligible for repayment.

//NOTHING FOLLOWS//