

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 October 2024

DOCKET NUMBER: AR20230014064

APPLICANT REQUESTS: generation of a Student Loan Repayment Program (SLRP) Addendum for his 2009 enlistment in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- November 2014 Honorable Discharge Certificate
- DD Form 214, Certificate of Release or Discharge from Active Duty ending on 25 June 2009 and on 16 August 2014
- Email Exchange
- College Transcripts
- Congressional Letter

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 was supposed to have SLRP on his contract. He spoke with his recruiter, and he advised it was supposed to be on there. He has spent over 10 years attempting to correct it.
3. The applicant enlisted in the Indiana Army National Guard (INARNG) on 22 November 2008. He agreed to serve 6 years in the ARNG and 2 years in the Individual Ready Reserve. In connection with his enlistment, he executed and signed:
 - Non-Prior Service Enlistment Bonus Addendum (\$20,000)
 - MGIB Selective Reserve Kicker Incentive Addendum.
 - a. He entered active duty for training from 12 January to 25 June 2009 and completed training for award of military occupational specialty 92A, Automated Logistical Specialist.

b. He was flagged for APFT (Army Physical Fitness Failure) on 15 May 2010. His FLAG was removed on 3 October 2010.

c. He was flagged again on 5 November 2011 also for APFT failure and again on 21 October 2013, also for APFT failure.

d. He entered active duty from 15 September 2013 to 16 August 2014 and served in Afghanistan from 6 November 2013 to 7 July 2014.

e. He was honorably discharged from the INARNG on 21 November 2014 due to expiration of term of service, after completing 6 years of ARNG service.

f. His NGB Form 23 (ARNG Retirement Points Statement) shows he completed 6 qualifying years of service.

4. On 9 August 2024, the National Guard Bureau (NGB) provided an advisory opinion in the processing of this case. An NGB official stated the applicant requests generation of his Student Loan Repayment Program. The NGB recommends disapproval:

a. The applicant states that he should have signed a Student Loan Repayment Program when he enlisted in the INARNG in 2008. He requests generation of an SLRP contract and payment of his loans. His records show that he entered the INARNG in 2008. The applicant claims that at the time of entry, his recruiter told him that he will receive a Student Loan Repayment Contract. However, the applicant did not sign a SLRP contract and no record of it exists in his personnel files. The applicant asked several people to help generate this contract, but there are no documents that show that he attempted to request SLRP at the time of his enlistment.

b. According to the Army National Guard Incentives Branch, there is no substantiating information to support the incentive being offered at the time of enlistment, so the request cannot be granted. For these reasons, it is the recommendation of this office that the applicant's request be disapproved. There is no document in his files and the applicant is unable to produce any supporting documents to show that he should have a SLRP contract. Additionally, even if he did have a SLRP contract, it would have been terminated because he failed two consecutive APFTs within the contractual term. The Army National Guard Incentives Branch concurs with this recommendation. The INARNG concurs with this recommendation.

5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a rebuttal and/or comments. 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. 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 concurred with the advising official recommendation for disapproval finding the applicant did not sign a student loan repayment program (SLRP) contract and there is no record to support his claims in his personnel file. Furthermore, the opine noted the record is absent any documentations showing the applicant attempted to request SLRP at the time of his enlistment.

2. The Board determined there is insufficient evidence to support the applicant's contentions for generation of a Student Loan Repayment Program (SLRP) Addendum for his 2009 enlistment in the Army National Guard. The Board found no substantiating evidence to show the SLRP incentive was ever offered to the applicant at the time he enlisted. Based on the preponderance of evidence and advisory opine, the Board denied relief.

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 the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED]

[REDACTED]

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. DODI 1205.21 (Reserve Component Incentive Programs Procedures) requires each recipient of an incentive to sign a written agreement stating the member has been advised of and understands the conditions under which continued entitlement to unpaid incentive amounts shall be terminated and which advance payments may be recouped. The agreement must clearly specify the terms of the Reserve Service commitment that authorizes the payment of the incentive.

//NOTHING FOLLOWS//