

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20230014636

APPLICANT REQUESTS:

- remission of debt associated with disenrollment from the Reserve Officers' Training Corps (ROTC)
- ROTC disenrollment to be vacated and overturned

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

- DD Form 149 (Application for Correction of Military Record)
- Legal Argument
- Cadet Action Request
- Memorandum – Subject: Cadet Action Request for Medical Determination, 8 December 2014
- Memorandum – Subject: Cadet Action Request for Medical Determination, 18 April 2016
- Department of the Treasury letter, 7 November 2022
- U.S. Government Wage Garnishment Order (SF-329B), 5 November 2022
- Wage Garnishment Worksheet (SF-329C)
- Memorandum – Subject: Rebuttal of Findings and Recommendations of Investigation/Board Proceedings, 17 May 2018
- Rebuttal to Report of Proceedings by Board of Officers, 4 June 2018
- Sworn Declaration, 7 March 2017
- Army Board for Correction of Military Records (ABCMR) letter, 31 October 2023
- Request for Debt Hearing/Collection Held in Abeyance, 15 November 2022
- Request for Collection Held in Abeyance, 21 November 2022
- Power of Attorney
- Freedom of Information Act (FOIA) Request, 5 January 2021
- Letter to Employer and Important Notice to Employer
- Employer Certification (SF-329D), 5 November 2022
- Headquarters, U.S. Army Training and Doctrine Command letter, 8 November 2021
- DA Form 1574-2 (Report of Proceedings by Board of Officers), 5 April 2018

- Memorandum – Subject: Notification of Disenrollment from ROTC – Due Process and Appellate Rights of Scholarship/Non-Scholarship, 7 February 2018
- Rebuttal to Disenrollment Board Notification, 25 March 2018
- Crossroads Center letter, 10 June 2014
- Defendant Trial Summary, 10 June 2014
- District Court of MD Summons to Appear/Notice to Defendant
- Memorandum – Subject: Notification of Disenrollment from ROTC – Due Process and Appellate Rights of Scholarship/Non-Scholarship, 21 May 2014
- Memorandum – Subject: Notification of Personal Service, 21 May 2014
- Memorandum – Subject: Notification of Disenrollment from ROTC – Due Process and Appellate Rights of Scholarship/Non-Scholarship, 17 January 2017
- Memorandum – Subject: Cadet Action Request for Medical Determination, 8 December 2014
- Memorandum – Subject: Cadet Action Request for Medical Determination. 18 April 2016
- DA Form 5248-R (Report of Unfavorable Information for Security Determination)
- Character Reference letters
- College transcript
- Medical document
- Pending Disenrollment document
- Memorandum, Subject: Notification of Respondent to a Board of Officers/Investigating Officer, 19 March 2018
- Memorandum – Subject: Notification of University Representative – Determination of Suitability for Retention in the Army, 20 March 2018
- Memorandum – Subject: Notification of Disenrollment from ROTC – Due Process and Appellate Rights of Scholarship/Non-Scholarship – Cadet Acknowledgment, 3 February 2017
- District Court of MD for Frederick County, 14 April 2014
- U.S. Army Advanced Education Financial Assistance Record
- DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract)
- DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the U.S.), 6 September 2010
- Email communication
- District Court [REDACTED]

FACTS:

1. The applicant, represented by legal counsel, provides in pertinent part that his previous attempts to appeal to the Defense Finance and Accounting Service (DFAS) and U.S. Army Cadet Command (USACC) have been futile. As such, this Board's immediate intervention is crucial as the initial debt has increased to in excess of \$150,000.00 (as of 5 November 2022). The applicant's wages are currently being

garnished and this petition seeks relief due to hardship and due process violations. The applicant contests that the presented medical evidence collected since his disenrollment suggests that he should have been medically discharged in accordance with Army Regulation (AR) 145-1 (Senior ROTC Program: Organization, Administration and Training), paragraph 10-2(b)(7) while enrolled in the ROTC program. Counsel contends that this regulatory guidance provides that cadets may appeal their disenrollment or dispute an order of recoupment or both.

a. Counsel further challenges the timeliness of the applicant's notification of disenrollment formally received approximately 10 years (17 January 2017) following his departure from the ROTC program. Despite his repeated attempts to appeal his disenrollment throughout the process the applicant failed to receive a response on behalf of the Army.

b. The applicant initiated his first appeal of the disenrollment in his request to appear before a board of officers. The applicant provided sworn statements, character reference letters and court records in his defense. The applicant even stated that he would continue service as a commissioned officer to settle this matter. While continuing with the appellate process, the applicant continued with his education not knowing the status of his ROTC enrollment. These events and concerns were referenced in his second appeal (March 2017).

c. One year later (May 2018), the applicant received the DA Form 1574 which contained the findings and recommendations of the Board. The accompanying memorandum failed to provide why the process took years to be adjudicated, however, it did provide the applicant with the opportunity to appeal its determination. The applicant submitted an appeal (June 2018) contesting the timeliness of the disenrollment (4 years). Counsel argues that this delayed action prejudiced the applicant because the disposition of his Driving While Intoxicated (DWI), occurring in May 2014, was resolved through a fine with no lasting impact to his driving record. Counsel contests that the disenrollment action should have taken place closer to the incident. Counsel's argument is further provided in its entirety within the supporting documents for the Board's review.

d. In support of counsel's argument that the applicant should have been separated in accordance with AR 145-1, counsel provides that during his enrollment in the ROTC program, the applicant was candid with his leadership regarding his mental health. In December 2014, the applicant was placed on an approved leave of absence by the USACC. In April 2016, a waiver request for history of adjustment disorder was reviewed and approved by the USACC Surgeon thereby finding the applicant fit to continue in the ROTC program. The applicant notes that the DWI incident occurred during the time that his medication was changed from Zoloft to Wellbutrin. Further review of the applicant's medical documentation obtained since departing the university reflects that he should

not have been granted a waiver permitting his participation in the ROTC program. Had this evidence been presented beforehand, the applicant would have been medically released from the ROTC program in accordance with AR 145-1.

e. In conclusion, counsel argues that the Army had a duty to timely adjudicate the applicant's disenrollment. The disposition of the offense in question (DWI occurring in 2014) resulted in a small fine with no lasting repercussions on the applicant's driving record. While the applicant may have deserved punishment then, it is disproportionate that he is still being punished today.

2. A review of the applicant's available service records provides the following:

a. On 6 September 2010, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years as an ROTC cadet. The applicant also endorsed DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract) acknowledging his entitlement to full tuition fees and a monthly stipend varying between \$300.00-\$500.00 per month. This document provides acknowledgment by the applicant that once he became obligated and then later disenrolled from the ROTC program, he would be subject to reimburse the U.S. Government through repayment of an amount of money plus interest, equal to the entire amount of financial assistance paid by the U.S. for his advanced education from the commencement of the contractual agreement to the date of his disenrollment. Under the terms of the contract, the applicant further acknowledged that if he was disenrolled from the ROTC program, the Secretary of the Army retained the prerogative to either order him to active duty or order monetary repayment of scholarship benefits. Subsequent enlistment in an Armed Service would not relieve him of his repayment obligation. Prior to the applicant's enlistment and subsequent enrollment, the applicant underwent a medical examination wherein he was required to answer questions related to his medical history. DD Form 2492 (Department of Defense Medical Examination Review Board – Report of Medical History), the applicant notes a diagnosed learning disability related to reading speed and comprehension. This document is further void of evidence of any mental health related concerns.

b. On 10 April 2014, the applicant was cited for driving a vehicle while under the influence of alcohol, exceeding the maximum speed limit and driving while impaired by alcohol.

c. On or about 19 May 2014, the USACC Security Manager provided a DA Form 5248-R reflective of the applicant being charged with exceeding the speed limit, driving while under the influence of alcohol and driving while impaired by alcohol. This document further documents the initiation of disenrollment action from the ROTC program. The applicant's commander recommended that he be disenrolled from the ROTC program.

d. On 21 May 2014, the applicant was notified by the Professor of Military Science (PMS) that he was initiating his disenrollment from the ROTC program, in accordance with AR 145-1, paragraph 3-43a(11) due to conditions (receipt of a Driving Under the Influence (DUI) charge) that preclude him from being appointed a commission as an officer. This action constitutes a breach of contract with the ROTC program. Effective immediately, the applicant was placed on a leave of absence pending disenrollment. The applicant was afforded the right to a hearing and the ability to consult with military or civilian legal counseling.

e. On 27 May 2014, the applicant acknowledged receipt of the Notification of Disenrollment.

f. On 10 June 2014, the applicant appeared in court to address the charges cited in 2b. above. The applicant plead guilty and was found guilty of exceeding the maximum speed limit. The applicant plead guilty to driving while under the influence of alcohol and placed on probation (12 months). The court elected to discontinue the charges related to driving while impaired.

g. On 8 December 2014, a medical determination request for the history of depression or adjustment disorder was reviewed by the USACC Surgeon. The applicant was approved for a medical leave of absence in support of the applicant's retention in the ROTC program.

h. On 17 January 2017, Memorandum – Subject: Notification of Disenrollment from the ROTC – Due Process and Appellate Rights of Scholarship/NonScholarship was issued advising the applicant that the PMS was initiating his disenrollment from the ROTC program, in accordance with AR 145-1, paragraph 3-43a(11) due to conditions (receipt of a DUI charge) that precluded him from being appointed a commission as an officer. This action constitutes a breach of contract with the ROTC program. Effective immediately, the applicant was placed on a leave of absence pending disenrollment. The applicant was afforded the right to a hearing and the ability to consult with military or civilian legal counseling.

i. On or about 5 February 2017, the applicant acknowledged receipt of the Notification of Disenrollment from the ROTC program – Due Process and Appellate Rights of Scholarship/NonScholarship memorandum.

j. On 7 February 2018, Memorandum – Subject: Notification of Disenrollment from the ROTC – Due Process and Appellate Rights of Scholarship/NonScholarship was issued advising the applicant that the PMS was initiating his disenrollment from the ROTC program, in accordance with AR 145-1, paragraph 3-43a(11) due to conditions (receipt of a DUI charge) that precluded him from being appointed a commission as an officer. This action constitutes a breach of contract with the ROTC program. Effective

immediately, the applicant was placed on a leave of absence pending disenrollment. The applicant was afforded the right to a hearing and the ability to consult with military or civilian legal counseling.

k. On 20 March 2018, Memorandum – Subject: Notification of University Representative – Determination of Suitability for Retention in the Army was issued advising the Institutional Representative that the applicant was being disenrolled from the ROTC program in accordance with AR 145-1, paragraph 3-43a(11), specifically a fact or condition that bars him from appointment as a commissioned officer who plead guilty to a DUI charge.

l. On 21 March 2018, the appointment of a Formal Board of Officers/Investigating Officer was appointed to determine the applicant's suitability for retention in the Army ROTC Program and the amount/validity of his Scholarship debt.

m. On 25 March 2018, the applicant, represented by legal counsel, contested the rebuttal to disenrollment board notification. This document is provided in its entirety within the supporting documents for the Board's review.

n. On 5 April 2018, a Board of officers considered the applicant's disenrollment. The applicant was unable to attend in person; his legal counsel was able to participate telephonically. The applicant noted that during preparation for the Leadership, Development and Assessment Course, he disclosed to the PMS that he was taking antidepressants. This disclosure prompted the initiation of the applicant's disenrollment action due to medical concerns. Approximately 2 weeks later, the applicant was cited for DUI. Upon advising his leadership, the applicant was informed that this action would be added to his disenrollment proceedings. The applicant continued attending his academic courses ultimately graduating from college. Following the consideration of evidence, the board determined that the applicant did enter into a valid contract and received educational assistance in the amount of \$120,221.00. The board further determined that the applicant breached his ROTC contract coming into the fact that barred his appointment as a commissioned officer (pleading guilty to driving while under the influence of alcohol). Because of this, the board recommended that the applicant be disenrolled from the ROTC program and required to repay the \$120,221.00 of previously received funds. The applicant's DUI charge (10 April 2014) superseded his medical waiver (8 December 2014). Therefore, he was an enrolled cadet at the time of his offense. The board further noted that the applicant should not be ordered to active duty. The approval authority concurred with the board's recommendation noting that the applicant violated his contract.

o. On 17 May 2018, the applicant was notified of his right to appeal the findings and recommendations of the board/investigation. The applicant was afforded 10 days to submit his rebuttal.

p. On 4 June 2018, the applicant, through legal counsel, contested the findings of the board. This document is provided in its entirety within the supporting documents for the Board's review.

q. On 30 March 2019, a Memorandum – Subject: Missing Recording for Disenrollment was issued noting that the previous Disenrollment Board was recorded, but the recording made was no longer available. A summary of the proceedings was previously produced which captured the major points of discussion from the board.

r. On 4 October 2021, the Assistant Professor of Military Science (APMS) provided a statement addressing the applicant's ROTC disenrollment delays. The APMS noted the following contributing factors:

- the applicant had a medical determination put forward on his behalf during the first disenrollment hearing period. This determination ultimately came back medically qualified
- a second disenrollment was conducted; this disenrollment was found to be insufficient due to the former Human Resources Assistant serving as the board recorder

The APMS assumed responsibility of conducting the disenrollment process in early 2018. The applicant relocated several times without providing a change of address. Due to the distributed nature of our schools and the board president, digital signatures were used. Several signatures were visible at my level but would be stripped when pushed to the next level, causing the packet to go back and forth for correction and review. During the handling of this disenrollment, there were three different PMSs. This impacted document control and update requirements with each new PMS. COVID work restrictions also contributed to the delayed processing; files were held within a facility that was closed to all activity. The compounding nature of each of these impacts delayed the overall processing of the applicant's disenrollment. There was no malicious or negligent intent in any of these actions.

As an attachment to this document, the APMS provides a timeline of events pertaining to the applicant's disenrollment proceedings occurring from 13 May 2014 (initiated disenrollment) – 8 April 2021 (Brigade Commander concurs with PMS recommendation for disenrollment). This document is further provided in its entirety for the Board's review within the supporting documents.

s. On 9 October 2020, the Battalion Commander concurred with the board's recommendation to disenroll the applicant for a fact that bars his appointment as a commissioned officer. He further concurred with the recommendation that the applicant be released from his ROTC contractual obligation and instead the government should recoup previously received scholarship funds. Though the disenrollment process did

take an excessive amount of time to be resolved at no fault to the applicant, the delay did not disadvantage his due process and he presented no evidence that demonstrated the outcome of the board would have been different if the case had been conducted in a more timely fashion. The applicant was still subject to the terms of his contract when he was charged with his DUI, and subsequent medical determinations show he no longer has the capacity to repay his debt in any other means than recoupment.

t. On 21 October 2021, the Brigade Commander concurred with the PMS recommendation. Despite the disenrollment process taking an excessively long time, it does not negate the fact that the applicant plead guilty to DUI charges. During the original disenrollment procedures, the applicant disclosed a medical condition that required a pause in the disenrollment process. At that point, the program submitted a medical determination which took over 18 months to receive a decision back. There were administrative errors and delays at the program level, but the applicant is still subject to his contractual obligation. Therefore, the government should recoup the scholarship money.

u. On 31 March 2022, the applicant was informed that he was disenrolled and discharged from the ROTC program under the provisions of AR 145-1, paragraph 3-43a(11). His disenrollment was based on a fact or condition that bars him from appointment as a commissioned officer, plead guilty to driving under the influence of alcohol charge. When the ROTC scholarship contract is breached, any obligation to the Army must be satisfied by repaying the cost of advanced education assistance provided by the Army. The total amount of monies spent in support of his education is \$120,221.00. The applicant was afforded 14 days to make an election: lump sum repayment or repayment plan.

3. The applicant provides the following a:

a. Cadet Action Request reflective of the PMS submitted request to conduct a disenrollment board.

b. Department of the Treasury letter dated 7 November 2022, reflective of the applicant being notified of the administrative wage garnishment order issued.

c. U.S. Government Wage Garnishment Order (SF-329B) dated 5 November 2022, reflective of the garnishment order issued for \$156,319.85 on behalf of the applicant. Wage garnishment, not to exceed, 15 percent of the applicant's disposable income was directed.

d. Wage Garnishment Worksheet (SF-329C), reflective of the wage garnishment computation (25 percent of the applicant's disposable income).

e. Memorandum – Subject: Rebuttal of Findings and Recommendations of Investigation/Board Proceedings, dated 17 May 2018, reflective of the applicant being advised of his opportunity to rebut the findings and recommendations of the board. The applicant was afforded 10 days to respond.

f. Rebuttal to Report of Proceedings by Board of Officer, dated 4 June 2018, reflective of the applicant, represented by legal counsel, submitted rebuttal to the board's findings. Counsel argues that the applicant should be released from the ROTC contract due to his present medical unsuitability. Counsel further argues that his previously cited DUI was mischaracterized of the true facts and the disposition of the applicant's case. This document is provided in its entirety for the Board's review within the supporting documents.

g. Sworn Declaration, dated 7 March 2017, a self-authored contention provided by the applicant recounting events from his early childhood as contributing factors which were further exhibited in the actions which prompted his disenrollment. The applicant also provides reference to his accomplishments occurring while participating in the ROTC program. This document is provided in its entirety for the Board's review within the supporting documents.

h. ABCMR letter, dated 31 October 2023, reflective of the applicant being advised that his submitted request for relief was premature. The applicant was redirected to the Defense Finance and Accounting Service (DFAS).

i. Request for Debt Hearing/Collection Held in Abeyance, dated 15 November 2022, reflective of the applicant, represented by legal counsel, submitted request for a personal hearing. Counsel again references the initial medical disclosure prompting the disenrollment proceedings and the mischaracterization of the facts associated with the applicant's DUI. This document is provided in its entirety for the Board's review within the supporting documents.

j. Request for Collection Held in Abeyance dated 21 November 2022, reflective of the applicant, represented by legal counsel, submitted request for his collection action to be held in abeyance. This document is provided in its entirety for the Board's review within the supporting documents.

k. Power of Attorney, reflective of the applicant providing legal authority to his legal counsel to act on his behalf in all matters arising from his employment by the Federal government of the U.S.

l. FOIA Request dated 5 January 2021, reflective of the applicant's legal counsel submitted request to obtain complete and unabridged copies of all documents pertaining to the applicant's ROTC academic records, contract etc.

m. Letter to Employer and Important Notice to Employer, reflective of the applicant's employer being notified of the wage garnishment action requirement.

n. Employer Certification (SF-329D) dated 5 November 2022, reflective of the applicant being notified of the administrative wage garnishment order issued. This document was required to be completed by the applicant's employer.

o. Headquarters, U.S. Army Training and Doctrine Command letter, dated 8 November 2021, reflective of the applicant's legal counsel being provided with documentation in response to his submitted FOIA request.

p. Crossroads Center letter dated 10 June 2014, reflective of the applicant being recommended for enrollment in an Early Intervention Program (drug and alcohol treatment).

q. Character Reference letters, reflective of several personal testimonies concerning the applicant's character as provided by his father, civilian employment supervisor's and close acquaintances. The applicant is regarded to have a passion for his employment performance. He is repeatedly referred to as reliable and diligent in the performance of his assigned responsibilities. These documents are provided in their entirety for the Board's review within the supporting documents.

r. College transcript reflective of the applicant's academic curriculum while attending ██████████ University 2013-2015.

s. Medical document reflective of health care received by the applicant on 6 July 2017 to address concerns of an adjustment disorder with mixed anxiety and depressed mood. The applicant was diagnosed with a major depressive disorder – single episode/in remission. The applicant originally presented on 27 April 2017.

t. Pending Disenrollment document, reflective of a chronological account of the applicant's enrollment/disenrollment processing.

u. District Court ██████ for ██████████ notification dated 14 April 2014, reflective of the applicant being advised of his 10 June 2014 trial date.

v. U.S. Army Advanced Education Financial Assistance Record reflective of the applicant's cumulative tuition expenses dispersed while enrolled in the ROTC program (\$120,221.00).

w. Email communication, reflective of legal counsel's submitted request for a postponement of the applicant's scheduled disenrollment board (24 February 2017). Legal counsel notes the applicant's change of legal representation and desire to be

appointed a commission. This communication is provided in its entirety for the Board's review within the supporting documents.

x. District Court of [REDACTED] document reflective of the applicant's driving record as cited by the State [REDACTED].

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 and documents submitted in support of the application. Upon review through counsel of the applicant's petition, available military records and FIOA request, the Board determined there was insufficient evidence based on the facts and circumstances from [REDACTED] and [REDACTED] College. The Board found the applicant pled guilty to driving under the influence in 2014 and was disenrolled due to this misconduct. The applicant and his counsel claim that the process, including the appeals process, for the disenrollment was too slow and dilatory. However, neither the applicant nor his counsel has demonstrated how the applicant was unfairly prejudiced from the allegedly too slow process. If Army agencies have failed to respond to the applicant's (or the applicant's counsel's) requests for final action, the applicant (or his counsel) should pursue remedies with those particular agencies. As for the underlying debt, the applicant received his educational degree through the funds of his Army Scholarship. Evidence in the record shows the applicant acknowledged the terms of his contract as it pertained to disenrollment. Thus, the applicant was on notice that substantiated misconduct (such as DUI) might result in his disenrollment. The Board agreed the applicant breached his ROTC contract and consequently was disqualified for commissioning based on the DUI he received.

2. The Board noted the recommendation finding the applicant should not be called to active duty. The Board carefully considered the applicant's letter of support regarding his character. The Board, however, determined that neither the the applicant nor his counsel produced sufficient evidence to justify remission of his Reserve Officer Training Corps (ROTC) scholarship debt in the amount of \$156,000.00. Based on the preponderance of evidence, the Board determined contractual and regulatory requirements were not met by the applicant. The applicant committed misconduct that disqualified him for the Army Scholarship. The Board found no error or injustice that warrants remitting the debt. Consequently, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

2/18/2024
X [REDACTED]
CHAIRPERSON [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. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 United States Code (USC), section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.
2. AR 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. A non-scholarship cadet may be disenrolled by the Professor of Military Science. Paragraph 3-43 (Disenrollment) provides that a scholarship cadet

may be disenrolled if it is discovered that a fact or condition exists that will bar a cadet for appointment as a commissioned officer, to include a positive urinalysis for drug and alcohol abuse. When a cadet is under charges, in confinement or under investigation, HQDA (TAPC–OPP–P) will be notified immediately if the cadet is an MS IV and a accession file was evaluated by HQDA ROTC Selection Board. Breach of contract (including formerly used term willful evasion). (Note: Breach is defined as any act, performance or nonperformance on the part of a student that breaches the terms of the contract regardless of whether the act, performance or nonperformance was done with specific intent to breach the contract or whether the student knew that the act, performance or nonperformance breaches the contract).

a. A board of officers will be appointed by the PMS, the brigade commander, or the region commander according to the formal procedures outlined in AR 15–6, as modified by this regulation (see AR 15–6, para 1–1) and guidance from the CG, USAROTCCC, to consider the case of each cadet considered for disenrollment.

b. Cadets undergoing board or investigative action will be placed on Leave of Absence (LOA) when the cadet is notified of the board of investigative hearing which will suspend tuition and subsistence payments pending outcome of the board or investigation. The ROTC contract will be annotated to show the date and reason for disenrollment or discharge. A cadet pending disenrollment board proceedings will not be authorized to participate in ROTC training as a conditional student or permitted to audit the course unless school policy authorizes such participation.

c. Scholarship students may be required to repay all or part of their scholarship financial assistance.

d. A scholarship cadet who requests a LOA or who otherwise extends his or her period of enrollment beyond the 8-year period of enlistment, must voluntarily extend the enlistment by an amount of time equal to the period of the extended enrollment or leave of absence (LOA). The PMS will ensure that the cadet still meets enrollment criteria and eligibility requirements.

3. Title 10, USC, section 2005 (Advanced Education Assistance: Active-Duty Agreement; Reimbursement Requirements), provides that the Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree:

a. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement

b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army)

c. That if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed, such person shall be subject to the repayment provisions of Title 37 USC, section 303a(e); and

d. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

//NOTHING FOLLOWS//