

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230015136

APPLICANT REQUESTS: entitlement to payment under the Student Loan Repayment Program (SLRP) in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- Congressional letters
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum – Army National Guard (ARNG) of the U.S.), 23 June 2016
- Department of Military Affairs letter, 11 July 2023
- Orders Number 158-056, 7 June 2017
- RSP Soldier's Pre-Ship Packet Review Checklist
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 23 June 2016
- Orders Number 355-245, 20 December 2016
- Orders Number 6300012, 9 October 2016
- Processee/Enlisted Record
- DA Form 4037 (Enlisted Record Brief)
- School Reservation documents
- DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.)
- Memorandum – Subject: Enlistment Waiver Request and supporting documents, 25 May 2016
- Federal Student Aid

FACTS:

1. The applicant states in pertinent part that while serving in the Virginia ARNG (VAARNG), he was transferred from a 25B (Information Technology Specialist) to a 25U (Signal Support Systems Specialist) position despite enlisting to serve as a 25B. He contests that he was qualified as a 25B and never performed the duties of a 25U. At the time of his enlistment, he accepted enrollment in the SLRP. However, since his records incorrectly reflect his Military Occupational Specialty (MOS) 25U, loan repayment has not occurred. He has sought the assistance from various members of military leadership as well as his State Representative with no result. His only recourse is to request relief

through this Board. He argues that he has served honorably as a 25B and because of a clerical error he is being penalized. He further notes that he believes that he was reassigned to a different position to assist with recruitment of other 25B personnel. He was unaware of the duty position change until he reached out to his State Representative.

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

a. On 23 June 2016, the applicant enlisted in the ARNG for 8 years to serve as a 25B with entitlement to the Montgomery G.I. Bill (MGIB), MGIB Selected Reserve Kicker and the SLRP. NGB Form 600-7-5-R-E, Section II (Eligibility) provides the applicant enlisted for a Critical Skill vacancy in a unit and MOS that matches the authorized military skill and qualification commensurate with the position for which he was enlisted. Section VI (Termination) provides that the SLRP incentive may be terminated without recoupment if the service member voluntarily changes his enlistment MOS during the contractual obligation. Termination is effective the date of transfer. The applicant provided documentation of 13 previously disbursed student loans totaling \$57,500.00.

b. On 29 June 2017, the VAARNG issued Orders Number 180-053 announcing the applicant's award of the 25B MOS, effective 21 June 2017.

c. On 11 March 2020, the VAARNG issued Orders Number 255008 reassigning the applicant to a "will-train" position effective as a 25U (Signal Support Systems Specialist), effective 11 March 2020.

d. On 11 August 2022, the VAARNG issued Orders Number 1984297 reassigning the applicant to "Temporary Hold" position, effective 21 June 2022.

e. On 4 November 2022, the VAARNG issued Orders Number 2132329 transferring the applicant to the U.S. Army Reserve Control Group (Annual Training), effective 23 June 2022.

3. The applicant provides the following a:

a. Congressional letters, reflective of communication provided to the applicant in response to his request for assistance.

b. Department of Military Affairs letter dated 11 July 2023, reflective of the VAARNG advising the applicant's State Representative that he was involuntarily transferred into another duty position (25U) five months after he enlisted. This transfer invalidated his eligibility for participation in the SLRP. Further, the applicant terminated his service agreement in June 2022, so the VAARNG has no means to process past due student loan payments.

c. Orders Number 158-056 dated 7 June 2017, reflective of the applicant being awarded the 25B MOS, effective 15 June 2017.

d. RSP Soldier's Pre-Ship Packet Review Checklist, reflective of the applicant's administrative information utilized at the time of his enlistment. The applicant notes his 25B MOS with a 26 October 2016 ship date.

e. Orders Number 355-245 dated 20 December 2016, reflective of the applicant being attached to an active component unit for the purpose of completing his 25B training, effective 27 January 2017.

f. Orders Number 6300012 dated 9 October 2016, reflective of the applicant being ordered to Initial Active-Duty Training with a report date of 26 October 2016 with a proposed 25B advanced individual training date of 30 January 2017.

g. Processee/Enlisted Record reflective of the applicant's initial entry administrative information utilized in the processing of his enlistment waiver.

h. DA Form 4037, reflective of the applicant's pertinent personnel information to include unit of assignment and duty position. On or about 23 June 2016, the applicant was assigned to a 25B position. On or about 20 November 2016, the applicant was reassigned to a 25U position.

i. School Reservation documents, reflective of the administrative information provided during the applicant's initial enlistment to serve as a 25B.

j. Memorandum – Subject: Enlistment Waiver Request and supporting documents dated 25 May 2016, reflective of documentation pertaining to the processing of the applicant's waiver request.

k. Federal Student Aid, reflective of the applicant's Federal Student Loan history.

4. On 12 June 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that the applicant's records show that he qualified for the SLRP. At the time of his enlistment, he had 13 disbursed loans existing in the amount of \$57,500.00. Based on his contract, the total amount of repayment for qualifying loans cannot exceed \$50,000.00 with annual repayments of 15 percent of the original balance, plus accrued interest. The applicant's contract was created in the Guard Incentive Management System, but it was never approved. The contract was eventually invalidated in 2018 because there was an MOS mismatch. The SLRP contract was for 25B, but the applicant's MOS was 25U. The records further indicate that the applicant was erroneously transferred out of his initial MOS of 25B into a 25U position while he was attending initial entry training. He

remained in this MOS from 30 November 2016 until 1 March 2022, when he was re-assigned to a 25B position. The applicant completed training and was awarded the 25B contracted MOS on 15 June 2017 and does not hold the 25U MOS. Therefore, it is recommended that the applicant's request be granted per the outlines of his contract. He was qualified in the required MOS and served his time in VAARNG per the requirements of the contract, but due to an administrative error, his SLRP contract was never properly established and approved.

5. On 13 June 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 27 August 2024, the applicant has not responded.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows at the time of his enlistment, he had 13 disbursed loans existing in the amount of \$57,500. Based on his contract, the total amount of repayment for qualifying loans cannot exceed \$50,000 with annual repayments of 15 percent of the original balance, plus accrued interest. The applicant's contract was created in the Guard Incentive Management System, but it was never approved. The contract was eventually invalidated in 2018 because there was an MOS mismatch. The SLRP contract was for 25B, but the applicant's MOS was 25U. The records further indicate that the applicant was erroneously transferred out of his initial MOS of 25B into a 25U position while he was attending initial entry training. He remained in this MOS from 30 November 2016 until 1 March 2022, when he was reassigned to a 25B position. The applicant completed training and was awarded the 25B. Therefore, the Board agreed with the NGB advisory official's determination that the applicant was qualified in the required MOS and served his time in VAARNG per the requirements of the contract, but due to an administrative error, his SLRP contract was never properly established and approved. Therefore, relief is warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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|---|---|---|----------------------|
| █ | █ | █ | 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 partial relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted an exception to the National Guard Bureau (NGB) for payment of his authorized loans, based on his 23 June 2016 Student Loan Repayment Program Addendum
- showing the NGB timely received, processed, and approved his exception to policy, and paying his loans, up to the maximum authorized, and provided all other criteria is met

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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.

REFERENCE:

1. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) 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)..

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 Fiscal Year (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 Modified Table of Equipment (MTOE) or deployable Table of Distribution and Allowances (TDA) unit.

b. 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.

c. 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.

d. 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.

e. Paragraph 1-24 (Termination of Incentives) provides that incentive eligibility and entitlement will stop when any of the termination reasons listed in paragraphs 1-25 to include voluntary movement to a non-bonus unit or MOS. The Soldier will not be eligible to receive any further incentive payments, except for Service performed before the

termination date. Termination of an incentive will not affect a Soldier's responsibility to serve their current statutory or contractual Service commitment.

2. 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. The Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//