

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230015155

APPLICANT REQUESTS: continuation of his Student Loan Repayment Program (SLRP) payments for Fiscal Year 2018 (FY18) in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Student Loan Repayment Program Addendum Army National Guard of the United States (ARNGUS))
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment)
- Army Combat Fitness Test (ACFT) record
- Army Physical Fitness Test (APFT) record
- Guard Incentive Management System (GIMS) screenshot
- Height/Weight record

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 he requests continuation of his FY18 SLRP payments. He was advised the FY18 payments were considered a Closed Year Payment, the FY18 payment was due on 28 October 2017. He was advised he needed to submit an Army Board for Correction of Military Records application in order for the NGB to approve his request.
3. A review of the applicant's service record shows:
  - a. The applicant enlisted in the Army National Guard (ARNG) on 20 June 1986 and had continuous service through extensions. On 22 June 1987, the applicant entered initial active duty for training.

- b. On 13 August 1987, Orders Number 225-351, issued by Headquarters, U. S. Army Field Artillery Center and Fort Sill, the applicant was awarded military occupational specialty 13B (Cannon Crewman), effective 24 September 1987.
- c. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was released from active duty on 25 September 1987. DD Form 214 shows the applicant completed 3-months and 4-days of active service.
- d. On 28 October 2009, when the applicant extended his enlistment in the ARNG, NGB Form 600-7-5-R-E was completed which shows the applicant had six loans disbursed in the amount of \$14,933.00. It also stated in section II – Eligibility - the total amount of the repayment for qualifying loans would not exceed \$50,000.00 with control number S09100023XX.

4. The applicant provides:

- ACFT record which shows the applicant passed his ACFT on 1 October 2022 and 17 September 2023.
- APFT record which shows the applicant passed his APFT on 24 November 2017, 30 May 2018 and 11 April 2019.
- GIMS screenshot shows the applicant contracted on 28 October 2009. His SLRP control number was S09100023XX for a contract amount of \$50,000.00 and was authorized an annual amount of \$7,500.00.
- Height/Weight record shows the applicant failed his height and weight standards; however, he met the bodyfat compensation standards.

5. On 28 June 2024, in the processing of this case, the NGB provided an advisory opinion regarding the applicant's request for payment of his FY18 SLRP. The advisory official recommended disapproval of the applicant's request. The applicant has received a total of \$49,125.75 in SLRP funds. His FY 20 SLRP payment is on hold for funding approval and is still due to be processed, but when it is processed fully through the Defense Finance and Accounting Service, the payment will exceed the \$50,000.00 maximum total payments. Recoupment procedures would have to be initiated and the applicant will have to pay back the excess payments.

6. On 2 July 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. 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 not warranted. The applicant's

contentions, the military record, and regulatory guidance were carefully considered. The applicant extended his enlistment in the ARNG on 28 October 2009. His SLRP addendum shows the applicant had six loans disbursed in the amount of \$14,933. It also stated in section II – Eligibility - the total amount of the repayment for qualifying loans would not exceed \$50,000. The applicant requests continuation of his FY18 SLRP payments. He was advised the FY18 payments were considered a Closed Year Payment, the FY18 payment was due on 28 October 2017. The Board reviewed and agreed with the NGB advising official's finding that the applicant has received a total of \$49,125.75 in SLRP funds. His FY 20 SLRP payment is on hold for funding approval and is still due to be processed, but when it is processed fully through the Defense Finance and Accounting Service, the payment will exceed the \$50,000.00 maximum total payments. Recoupment procedures would have to be initiated and the applicant will have to pay back the excess payments.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:      :      :      GRANT FULL RELIEF

:      :      :      GRANT PARTIAL RELIEF

:      :      :      GRANT FORMAL HEARING

██████████ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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.

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.

**ADMINISTRATIVE NOTE(S):**

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 Certificate of Release or Discharge from Active Duty) for the period 22 June through 25 September 1987, by:
  - a. Delete: Item 24 (Character of Service): Entry Level Status
  - b. Add: Item 24: Honorable
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
  - DD Form 214 service ending 25 September 1987
  - Army Regulation 635-8 (Personnel Separations – Separation Documents)
3. Please correct the applicant's DD Form 214 by deleting and adding the corrections shown in paragraph 1a and b above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

**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 600-7 (Selected Reserve Incentives Programs (SRIP)) in effect at the time, prescribes policies and procedures for the administration of the Army National Guard of the United States (ARNGUS) incentive programs; SLP.
  - a. Paragraph 1-9 (Educational Requirements), the Enlistment Bonus (EB) and the Student Loan Repayment Program (SLRP) incentives may be granted to Soldiers who meet the educational eligibility criteria and who have the credentials of a secondary school graduate as defined in the glossary under educational levels.
  - b. Paragraph 2-24 (Eligibility) states the SLP may be offered to current ARNG members who meet the following requirements:

- Soldiers who previously contracted for the SLRP in the Selected Reserve are only entitled to the maximum benefit established by the original contract, minus any money previously paid under the contract
- Enlist/affiliate or reenlist/extend for a minimum of three years
- Enlist into a Critical Skill vacancy as outlined in the current FY SRIP policy
- Have one or more disbursed qualifying loans

//NOTHING FOLLOWS//