

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 September 2024

DOCKET NUMBER: AR20230015211

APPLICANT REQUESTS: to receive Student Loan Repayment Program (SLRP) payments toward his Fiscal Year (FY) 2018 payment.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 26 May 2015
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard (ARNG)), 26 May 2015

FACTS:

1. The applicant states he is filing this Army Board for Correction of Military Records (ABCMR) application because he has the SLRP through the Pennsylvania ARNG (PAARNG). He was advised that FY18 payments are considered a "Closed Year Payment," and an ABCMR application needs to be submitted to then be approved by the National Guard Bureau (NGB), to then be actioned at the State level for payment. His SLRP Control Number is 476544X, and FY18 payment was due 26 May 2018. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) and SLRP Annex L are provided for record.

2. A review of the applicant's official records show the following:

a. On 26 May 2015, he enlisted in the PAARNG for a period of 6 years. In connection with his enlistment, he completed and signed NGB Form 600-7-5-R-E (Annex L to DD Form 4 - SLRP Addendum - ARNG of the United States), which contains Reservation Transaction Identification Number 476544X and shows in pertinent part:

(1) He contracted for the Non-Prior Service (NPS) SLRP incentive for Military Occupational Specialty (MOS) 13B (Cannon Crewmember) and enlisted in the ARNG for a period of not less than six years.

(2) He had two (2) disbursed loans existing in the amount of \$5,500.00. The total amount of repayment for qualifying loans would not exceed \$50,000.00 with annual repayment of 15 percent of the balance of the loans, plus accrued interest or \$500.00 plus the accrued interest, whichever was greater, as established by Law. Payments on loans that had a remaining outstanding balance less than the maximum yearly repayment amount would only be eligible for that amount only. Loans that had a zero balance would not be eligible for payment. The maximum annual payment amount would not exceed \$7,500.00 per year.

(3) Payments would be processed on the anniversary month of his enlistment for each satisfactory year of service, subject to the availability of funds.

b. Guard Annex, Section VII (Addendums), dated 26 May 2015, shows the SLRP Form was attached and a part of his enlistment agreement.

c. On 17 September 2015, the Military Entrance Processing Station, Joint Base McGuire-Dix-Lakehurst, NJ published Orders Number 5280003, which ordered the applicant to Initial Active Duty for Training (IADT) on 7 October 2015.

d. On 21 February 2016, he was honorably released from IADT and was transferred to his PAARNG unit. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in item 11 (Primary Specialty) he was awarded MOS 13B10.

e. On 9 February 2017, by memorandum, the NGB, Chief, Personnel Programs, Resources and Manpower Division notified the PAARNG State Incentive Manager that the applicant's request for Exception to Policy to retain the \$50,000.00 SLRP was approved for the discrepancy: "Bonus Control Number was requested before/after the date of accession, affiliation, enlistment, or reenlistment/extension which violates ARNG SRIP [Selected Reserve Incentive Programs] 14-01." The memorandum also states:

(1) The applicant's "contract as an NPS enlistment for the SLRP incentive [was] no fault of the Soldier that the Control number was request[ed] after the enlistment date."

(2) The applicant accepted an incentive offer in good faith and has otherwise fulfilled the obligations under the contract as of the date of this request. Therefore, withholding payment of this incentive would be against equity, good conscience and contrary to the best interest of the Army.

(3) The Military Personnel Office should be made aware of these cases in order to provide the necessary training to those involved in the recruiting application process in order to prevent unnecessary delays in the processing of Soldiers' incentives and future requests for exceptions to policy.

f. On 1 November 2017:

- DD Form 4 shows he enlisted as a Cadet in the Drexel University Reserve Officers Training Corps (ROTC) Program
- NGB Form 594-1 (ARNG Simultaneous Membership Program (SMP) Agreement) shows he agreed to participated in the SMP, which allowed him to pursue a commission as an officer through the ROTC

g. On 14 June 2019, NGB Form 22 (Report of Separation and Record of Service) shows the applicant was honorably discharged from the PAARNG for appointment as a commissioned officer.

h. On 15 June 2019:

- DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office
- NGB Form 337 (Oaths of Office) shows he was appointed as a second lieutenant in the PAARNG and executed his oath of office

i. On 22 September 2021, DA Form 1059 (Service School Academic Evaluation Report) shows he completed the Engineer Basic Officer Leader-Branch Course.

3. On 31 July 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion for this case and recommended approval. The advisory official stated:

a. The applicant states that he signed a SLRP in the PAARNG in 2009. He did not receive his payments for FY18. He requests payments towards the loan that he never fully received.

b. The applicant's records show that he signed a SLRP Addendum effective on 28 October 2009 (sic). The contract was returned without action because the applicant's MOS did not match the data. Initially in the Guard Incentive Management System (GIMS), it showed that his MOS was 09B (Non-Scholarship), but it was eventually changed to 13B. For SLRP incentives, enlisted Soldiers who enter a commissioning program and/or accept an appointment or commission as an officer or warrant officer in a Selected Reserve (SELRES) (any Area of Concentration) may continue to receive SLRP payments as stipulated in their original contract so long as they remain otherwise qualified. The contract needed an ETP, which was approved but since 2018 payment is a closed-year payment, the contract was returned to an active status on 27 May 2020 and have remained the same since without any further actions.

c. For these reasons, it is the recommendation of this office that the applicant's request be approved. The applicant should have received his SLRP payment on 26 May

2018. The applicant switched to the SMP/ROTC cadet status prior to this payment and the contract fell into a monitor rule status. By the time PAARNG identified the problem and fixed it, FY18 was a closed-year payment.

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

4. On 7 August 2024, the applicant was provided with a copy of the NGB advisory opinion for comments or rebuttal. 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 warranted. The Board carefully considered counsel's statement, 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 approval finding the applicant should have received his Student Loan Repayment Program (SLRP) payment on 26 May 2018. The Board noted, the applicant switched to SMP/ROTC cadet status prior to the payment and the payment fell into a monitor status.

2. The Board determined based on the advising opine and the preponderance of evidence, there is sufficient documentation to show the applicant is entitled to receive his Student Loan Repayment Program (SLRP) payments toward his Fiscal Year (FY) 2018 payment. Therefore, the Board granted relief.

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 the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all records of the individual concerned be corrected to show the applicant is entitled to receive Student Loan Repayment Program (SLRP) payments toward his Fiscal Year (FY) 2018 payment.

[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. National Guard Regulation 600-7 (SRIP) governs policies and procedures for the administration of the ARNG SRIP programs. In pertinent part:

a. Paragraph 1-27b (ARNG Exceptions to Policy (ETP) request) states, all ETPs will be initiated by the Soldier and routed through their chain of command to the State Incentive Manager and the State G-1 as established in Chapter 5-3 (State Level). The State Level will evaluate all ETP's received on a case-by-case basis and route them to the appropriate level for final determination. The ARNG is the only level authorized to approve any ETP.

b. Section VII (Student Loan Repayment Program (SLRP)), paragraph 2-23 states, Public Law 99-145, section 671(a)(1), and Title 10, United States Code (USC), section 16301 authorizes the education loan repayment program for qualified members of Selected Reserve 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). Repayment of any such loan will be made on the basis of each complete year of service performed by the borrower. A Soldier must meet the eligibility criteria in accordance with governing law, Department of Defense Instruction, Department of the Army, ARNG regulations or as outlined in the current Fiscal Year (FY) SRIP policy.

c. Paragraph 2-24 (Eligibility) states, the SLRP may be offered to NPS applicant's who meets the following requirements: (1) Enlist for a minimum of six (6) year obligation. (2) Enlist into a Critical Skill vacancy which is approved for SLRP entitlement by DARNG as outlined in the current FY SRIP policy. Must have a pre-approval authorized prior to signature date from the ARNG incentive management system in accordance with current FY SRIP policy.

d. Paragraph 2-26 (Processing) states, the Applicant must: (1) Fill a valid vacant position and not an excess, over-strength, or manually loaded vacancy as established in paragraph 1-9 (Position vacancy requirements). (2) Accept a SLRP incentive that has been awarded through the Recruit Quota System (REQUEST) or the ARNG incentive management system. (3) Only be offered incentive if funding is available. (4) Have an incentive written agreement with a valid bonus control number on the addenda approved through the incentive management system. Refer to paragraph 1-16 (System Overrides) for exception. (5) Incentive written agreement is not valid if executed prior to or after the date the oath of enlistment, reenlistment/extension or affiliation is rendered. Refer to paragraph 1-16 for exception. (6) Execute incentive written agreement containing signatures and dates of all required signature authorities on the agreement and must correspond to the date of enlistment, enlistment, reenlistment/extension or affiliation (6) For all other processing steps refer to the incentives management system user guide. Information on where to find this user guide can be found in the current FY SRIP.

2. National Guard Bureau Memorandum — Subject: The Army National Guard Selected Reserve Incentive Programs (SRIP) Policy for Fiscal Year 2014, Effective 2 June 2014 (ARNG HRZ Policy #14-01), in pertinent part:

a. Paragraph 17a(12) (The SLRP) states, an enlisted Soldier with an active SLRP contract who enters an Officer producing program without receiving an ROTC Scholarship and/or accepts a commission as an Officer or Warrant Officer (in any Area of Concentration/MOS) may continue to receive the SLRP incentive through the initial SLRP contracted term as long as he or she remains otherwise qualified and does not contract for the Officer Accession Bonus. For SLRP contracts executed at the time of reenlistment/extension, the Soldier must serve at least 1 day of the extension/reenlistment contract prior to entering the Officer producing program in order to be eligible for continued receipt. Note: The contract start date is the date after current Expiration Term of Service.

b. Paragraph 26 (Exceptions to Policy) states, the Division Chief of the ARNG Personnel Programs, Manpower, and Resources Division (ARNG-HRM) is the proponent for this policy and an O-6 in the NGB G-1 is the authority for ETP determinations. All ETPs will be initiated by the either the Soldier or the Incentive

Manager and routed through the State G-1/MILPO to the NGB Incentive Support Team (IST). All supporting ETP documents must be uploaded into the GIMS ETP module. All ETPs are evaluated on a case-by-case basis and once approved or denied, the ETP determination must be uploaded in iPERMS.

//NOTHING FOLLOWS//