

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 September 2024

DOCKET NUMBER: AR20230015228

APPLICANT REQUESTS: to receive payments in accordance with the Student Loan Repayment Program (SLRP) addendum signed on 28 February 2008.

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 (Annex L to DD Form 4 SLRP Addendum Army National Guard (ARNG) of the U.S.)

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 in pertinent part that he reenlisted in 2008 with entitlement to the SLRP incentive. However, despite repeated efforts he has not received payment.
3. A review of the applicant's available service records reflects the following:
 - a. On 26 May 2005, the applicant enlisted in the ARNG for 3 years to serve as a 31B (Military Police).
 - b. On 28 February 2008, the applicant elected to extend his enlistment by 6 years with entitlement to the Montgomery GI Bill Kicker, SLRP (eight existing loans totaling \$31,703.35) and a \$15,000.00 Reenlistment/Extension Bonus (REB).
 - c. The applicant has continued to reenlist/extend throughout the remainder of his career with his most recent extension occurring on 2 March 2024, wherein he elected to extend for 3 years resulting in a 28 August 2025 expiration term service date.
4. On 12 June 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that he reenlisted in

good faith with both an SLRP addendum and REB with Incentive Manager's guidance. After review of his submission and coordination with the NCARNG the applicant's SLRP incentive was entered into the Incentive Management and Reporting Center as validated and approved by the Incentives Manager on 6 May 2010. In early 2019, after the applicant's student loans had not been paid it was discovered that there was a discrepancy because he was not authorized both a REB and SLRP per the Fiscal Year 2007 Selected Reserve Incentive Program (SRIP). An Exception to Policy (ETP) was submitted to the NGB incentives branch in 2019. Additional documents were requested in December 2020, these documents were uploaded to the Guard Incentive Management System (GIMS). GIMS went down at this time delaying the ETP process. NGB incentives directed the applicant and NCARNG to the ABCMR as it is now a closed year incentive.

5. On 14 June 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. He responded stating, in effect, he concurred with the advisory opinion.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the Army National Guard on 26 May 2005. In connection with his enlistment, he and a service representative authenticated a Student Loan Repayment Program (SLRP) Addendum indicating he had eight dispersed loans. The Board reviewed the advisory opinion provided by Chief, Special Actions Branch, National Guard Bureau (NGB) finding after review there was a discrepancy because the applicant was not authorized both a reenlistment bonus and SLRP incentive; however, additional documents were requested in December 2020 and uploaded in the appropriate system. The system went down delaying the exception to policy process. The NGB recommended approval based on the applicant reenlisted for the addendum and reenlistment bonus in good faith. The Board concurred.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 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 Student Loan Repayment Program Addendum
- showing the NGB timely received, processed, and approved his exception to policy
- payment of his loans, up to the maximum authorized, 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.

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 (NGR) 600-7 (Selected Reserve Incentive Program (SRIP)), in effect at the time of enlistment, Chapter 5 (Student Loan Repayment Program) 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). The SLRP is offered to Non-Prior Service or Prior Service personnel who meet the following criteria:

- Enlist for a minimum of 6 years
- Have existing student loans at the time of their enlistment
- Enlist in a qualifying SLRP unit
- Completes initial active duty for training and is awarded the contracted MOS

a. Paragraph 1-13 (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.

b. Paragraph 1-16 (Incentive Payments) provides payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing through the incentive management system for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

c. Paragraph 5-8 (Incentive Management Actions) review for accuracy and eligibility SLRP addendum and promissory note(s) received from full-time unit personnel (reenlistment/extension). After verification of eligibility, calculate payment. Payment will be 15 percent of the original loan amount or \$500.00 whichever is greater. However, principal payments will not exceed \$1,500.00 per year (15 percent of the \$10,000.00 maximum loan amount eligible for repayment). Effective 1 October 1998, the Incentive

Manager must ensure that only those loans that were in existence at the time of enlistment are processed for payment even if the loans are consolidated.

3. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//