

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20230015298

APPLICANT REQUESTS: in effect, reinstatement of his Troop Program Unit (TPU) status in the U.S. Army Reserve (USAR).

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

- Online Application
- DD Form 4 (Enlistment Document), dated 22 February 2018
- DA Form 597 (Army Senior Reserve Officers' Training Corps (ROTC) Non-scholarship Cadet Contract), dated 9 December 2020
- Orders 0003803309.00, effective 16 November 2022
- DA Form 785 (Record of Disenrollment from Officer Candidate-Type Training), dated 21 November 2022
- Disenrollment Documents (4)
- DA Form 5016 (Chronological Statement of Retirement Points), dated 7 January 2024

FACTS:

1. The applicant states the following:

a. His original contract was from 2018 to 2026 (2024 - expiration time of service). In 2021, he joined ROTC under the Simultaneous Membership Program (SMP). Unfortunately, he was unable to commission (after signing his ROTC contract and completing all commissioning events) because he was convicted for reckless driving and the Commanding General (CG) did not sign the needed waiver for him to continue. Because of this he was disenrolled from ROTC and reverted to his original contract in which his contractual obligation was to 2026.

b. Shortly after the transfer, he received word by means of an Integrated Personnel and Pay System-Army (IPPS-A) order that he had been separated entirely by involuntary discharge, although other information was incorrect such as his Military Occupational Specialty (MOS). He has worked for the last year trying to revert this (mostly with the Judge Advocate General (JAG), and he also contacted Human Resources Command (HRC) and Trial Defense Service, but to no avail.

c. Lastly, he should still be in the Army, and he is missing out on both drill and Foreign Language Proficiency Bonus pay for over a year now. No one in his command could help him nor explain why he was discharged. Senior ROTC (SROTC) explained that it must be a mistake, as the norm is to return to his old unit and finish out his obligation to the Army. HRC stated that he should still be in the Army contractually. JAG worked tirelessly contacting everyone they could to reinstate him, but to no avail.

2. The applicant enlisted in the USAR on 22 February 2018. His Reserve annex shows he incurred a statutory military service obligation (MSO) of 8 years and a contractual obligation to serve 6 years as an assigned member of a TPU in the Selected Reserves (SELRES) and 2 years as an assigned member of the Individual Ready Reserve (IRR) unless he voluntarily elected to remain assigned and continue to satisfactorily participate as a member of a TPU.

3. On 9 December 2020, he enlisted in the USAR Control Group ROTC and elected to participate in the University of Massachusetts, Lowell SROTC program with entitlement to a scholarship. The Cadet endorsed DA Form 597 (Army SROTC Non-scholarship Cadet Contract) agreeing to enroll in the necessary courses and successfully complete, within the prescribed time, the requirements for the degree in his academic major. He agreed to remain enrolled in and successfully complete the SROTC program, including SROTC Advanced Camp and all training as prescribed by the Secretary of the Army or his/her designee, as a prerequisite for commissioning.

4. On 3 November 2021, the Cadet provided a Civil Conviction Waiver statement to the Commander, 2nd Brigade US Army Cadet Command. The Cadet states he was convicted for Reckless Driving down the wrong way of a one-way road. This resulted in a \$500 fine and a 60-day license suspension. He took full responsibility for this incident.

5. On 18 July 2022, the Commander, Headquarters, United States Army Cadet Command, Fort Knox, Kentucky, stated the Cadet's request for his Civil Conviction Waiver for DWI reduced to Reckless Driving is disapproved. It was not in the best interest of the Army to allow the Cadet's continued participation in the SROTC program. Process the disenrollment in accordance with Cadet Command Pamphlet 145-4, (Enrollment, Retention and Disenrollment Criteria. Policy and Procedures), Chapter 8.

6. On 19 September 2022, the Professor of Military Science (PMS) states that under the provisions of Army Regulation 145-1, paragraph 3-43a(11), he was initiating his disenrollment from the ROTC program based on this, a fact or condition that bars his appointment as a commissioned officer disapproval of request for Civil Conviction Waiver for DWI reduced to Reckless Driving which constitutes, either individually or collectively, a breach of the terms of his SROTC contract with the U.S. Army. As a consequence, effectively immediately, he placed the Cadet on leave of absence pending disenrollment.

7. On 10 November 2022, consistent with the chain of command's recommendations, the Brigade Commander, approved the Cadet's discharge from the USAR under the SMP. Released the Cadet to the USAR unit in accordance with the SROTC contract. Advised the USAR Commander that the Cadet is disenrolled from SROTC and that the provisions of Army Regulation 601-210 (Active and Reserve Components Enlistment Program), paragraphs 9-14o, are applicable. Forwarded the Cadet's SROTC records to the Commander of the USAR unit to which the Cadet is assigned.
8. The applicant's record is void of a complete separation packet containing the specific facts and circumstances surrounding his discharge processing. However, Orders Number 0003803309.00, dated 23 December 2022 show he was involuntary discharged with an effective date of 16 November 2022.
9. The applicant provides a DA Form 5016, Chronological Statement of Retirement Points, showing he accumulated 809 retirement points from 22 February 2018 through 23 February 2021.

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, 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 request and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for reinstatement of his Troop Program Unit (TPU) status in the U.S. Army Reserve (USAR) based on the absence of facts and circumstances surrounding the applicant's discharge. The Board noted the applicant
2. The Board noted, the applicant who at the time was a cadet in SROTC was convicted for Reckless Driving down the wrong way of a one-way road. This resulted in a \$500 fine and a 60-day license suspension. Evidence show the Professor of Military Science (PMS) under the provisions of Army Regulation 145-1, initiated his disenrollment from the ROTC program based on this, a fact or condition that bars the applicant's appointment as a commissioned officer disapproval of request for Civil Conviction Waiver for DWI reduced to Reckless Driving which constitutes, either individually or collectively, a breach of the terms of his SROTC contract with the U.S. Army. Based on regulatory guidance and the preponderance of evidence, the Board found no error or injustice to support the applicant's contentions and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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.

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, U.S. Code, 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. Army Regulation 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Provisions) defines Army National Guard of the United States and U.S. Army Reserve service obligations. It prescribes policies and procedures governing the various types of service obligations and participation requirements. The version in effect at the time provided in paragraph 2-1 (Statutory obligation) that:
 - a. The statutory Military Service Obligations (MSO) is incurred on initial entry into the Armed Forces whether by induction, enlistment, or appointment.
 - (1) Soldiers who enlisted on and after 1 June 1984 incurred an 8-year statutory MSO.
 - (2) Soldiers who enlisted prior to 1 June 1984 incurred a 6-year statutory MSO.
 - b. The statutory MSO can be terminated by the Army prior to its fulfillment. Separation due to discharge, dismissal, or being dropped from the rolls of the Army terminates a Soldier's statutory obligation. The statutory obligation is not terminated; however, when the Soldier is separated for immediate reentry into the same or another military status. This includes an officer training program in which the Soldier has military status.

//NOTHING FOLLOWS//