

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 September 2024

DOCKET NUMBER: AR20230015299

APPLICANT REQUESTS: payment of the remainder of his Student Loan Repayment Program (SLRP) entitlements for Fiscal Year 2016 (FY16) and FY17.

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

- DD Form 149 (Application for Correction of Military Record)
- SLRP payments

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 the maximum SLRP per year was \$7,500.00; however, he was not paid the entire allowable amount in FY16 and FY17. He requests to be paid the difference of what he was paid and the maximum annual entitlement. He was advised by the career counselor that in order to get the New York Army National Guard (NYARNG) to fulfill the payment of his SLRP he needed to apply to the Army Board for Correction of Military Records.

3. A review of the applicant's service record shows:

a. On 2 April 2014, the applicant enlisted in the ARNG. In conjunction with this enlistment, National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) SLRP Addendum ARNGUS states in:

(1) Section II – Eligibility:

- he was eligible to receive a non-prior service bonus, Montgomery GI Bill – Selected Reserve Kicker simultaneously with the SLRP

- he had eight disbursed loans in the amount of \$50,596.00, repayment will not exceed \$50,000.00 with annual repayment of 15 percent of original balance of the loan plus accrued interest or \$500.00 plus accrued interest whichever was greater

(2) Section III – SLRP Payment:

- anniversary SLRP would not exceed 15 percent or \$500.00 whichever is greater of initial disbursed amounts
- payment on loans that have remaining balance less than the maximum yearly repayment will only be eligible for that amount
- loans with a zero balance will not be eligible for payment
- maximum annual payment amount will not exceed \$7,500.00 per year
- SLRP payments will only be made to financial institutions and will not be paid to a service member

b. On 16 April 2014, Orders Number 4112018, issued by the Military Entrance Processing Station, the applicant was ordered to initial active duty for training, effective 22 April 2014, for completion of Basic Combat Training and Advanced Individual Training.

c. On 29 January 2015, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 9-months and 8-days of active service.

d. On 1 March 2018, Orders Number 36-060-0106, issued by the Office of the Adjutant General, State of NY, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), effective 14 March 2018.

e. On 10 June 2018, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 2-months and 27-days of active service.

f. On 27 January 2020, the applicant extended his enlistment in the ARNG for a period of 6 years.

g. On 25 July 2023, Orders Number 36-206-0061, issued by the Office of the Adjutant General, State of NY, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), effective 11 August 2023.

h. On 22 July 2024, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 11-months and 12-days of active service.

4. The applicant provides a screenshot of his SLRP payments.

5. On 17 June 2024, in the processing of this case, the National Guard Bureau, provided an advisory opinion regarding the applicant's request for the payment of his SLRP. The advisory official recommended disapproval of his request. He signed a SLRP addendum effective 2 April 2014. He received his regular payment in FY15 for a total of \$7,500.00; however, in FY16 and FY17, he only received a total of \$1,500.00 total each year. The NYARNG recognized the discrepancy and a review with the ARNG Incentives Branch, it was determined the applicant is not eligible for FY 16 and FY17 payments because when he extended for 6-years in 2020 the NY ARNG added payments. He continued to receive SLRP incentive payments in FY 21, FY22 and FY23. His total career SLRP payments total \$50,000.00 which is his lifetime maximum allowable payments. If the applicant receives payments for FY16 and FY17, he will receive more than his maximum allowable payment. Therefore, he cannot receive payments for FY16 and FY17. Additionally, he received payments after his initial SLRP contract window, which makes up the difference from FY16 and FY17.

6. On 20 June 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 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 2 April 2014. 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 indicating his total payments received total \$50,000, which is the lifetime maximum payment for SLRP. The Board concluded based on this, relief was not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

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.

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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 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; SLRP.

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 SLRP 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//