

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 October 2024

DOCKET NUMBER: AR20240000805

APPLICANT REQUESTS: remission of Reserve Officers' Training Corps (ROTC) debt in the amount of \$32,653.26 in lieu of service.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 214-1, 2 August 2010
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 24 June 2021
- Defense Finance and Accounting Service (DFAS) letter, 30 July 2023

FACTS:

1. The applicant states in pertinent part that she completed active-duty service in lieu of repaying \$32,653.26 in ROTC scholarship debt. She contests that the proper documentation was previously provided to this Board. However, in July 2023, she received correspondence from DFAS indicating that the debt was not forgiven. This correspondence further detailed that the debt amount was now \$57,639.00. She believes that there must be an error in her finance records because she served for approximately 11 years before she was honorably discharged.

2. A review of the applicant's available service records reflects the following:

a. On 28 June 2007, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years.

b. On or about 8 September 2008, the applicant enrolled in the Bowling Green State University ROTC program.

c. On 29 July 2010, the applicant was disenrolled from the ROTC program due to a breach of contract based on her failure to maintain the Army Physical Fitness Test standards.

d. On 2 August 2010, the U.S. Army ROTC Battalion, Bowling Green State University issued Orders Number 214-1 discharging the applicant from the U.S. Army Control Group (ROTC), effective 2 August 2010. The applicant was advised of the requirement to repay \$32,525.00 worth of educational debt. The applicant was afforded the option to repay the monies in a lump sum payment or to establish a payment plan.

e. On 5 October 2010, the applicant enlisted in the Regular Army.

f. On 13 August 2019, the applicant was honorably discharged in order to accept a commission as a Warrant Officer. She completed 8 years, 10 months, and 9 days of net active service.

g. On 14 August 2019, the applicant was appointed as a Warrant officer and subsequently ordered to active duty for 6 years.

h. On 24 June 2021, the applicant was honorably discharged due to substandard performance (Failure to Establish an Adequate Family Care Plan). She completed 1 year, 10 months, and 11 days of net active service.

3. The applicant provides the following DFAS letter dated 30 July 2023 reflective of her being advised of the \$57,639.57 debt. The applicant was further advised that DFAS had not received the agreed upon monthly payment and therefore account was now in default.

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 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, the Board found the applicant was disenrolled from the Bowling Green State University Reserve Officer Training Corps (ROTC) due the breach of her ROTC contract based on her failure to maintain the Army Physical Fitness Test (APFT) standards. Evidence shows the applicant was discharged on 2 August 2010. The applicant was advised of the requirement to repay \$32,525.00 worth of educational debt.

2. The Board determined the applicant enlisted into the regular Army on 5 October 2010 and on 3 August 2019, the applicant was honorably discharged in order to accept a commission as a Warrant Officer. The applicant completed 8 years, 10 months, and 9 days of net active service. Furthermore, the applicant was appointed as a Warrant officer and subsequently ordered to active duty for 6 years. The Board agreed the

applicant served a period of 8 years and received a honorable discharge before being commissioned as a warrant officer. The Board determined there is sufficient evidence to support the applicant's contentions for remission of Reserve Officers' Training Corps (ROTC) debt in the amount of \$32,653.26 in lieu of service. As such, 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 Department of the Army records of the individual concerned be corrected by notifying DFAS that the applicant's debt in the amount of \$32,653.26 has been relieved that was established due to her military service.

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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. Army Regulation (AR) 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. The Commanding General, ROTC Cadet Command, is the only authority for discharge of scholarship cadets. ROTC cadets normally will be honorably discharged on the date of disenrollment from the ROTC program, except those ordered to active duty under the terms of their ROTC contract. If not academically enrolled, the cadet will be ordered to active duty 60 days from date of notification of active duty.

a. Cadets assigned to the USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government for termination of a scholarship.

b. Cadets assigned to the USAR Control Group (ROTC), who are not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC.

c. Scholarship students may be required to repay all or part of their scholarship financial assistance.

d. Paragraph 3-43 (Disenrollment Criteria) subparagraph (a.) provides that a breach of contract is defined as any act, performance or nonperformance on the part of a student that breaches the terms of the contract regardless of whether the act, performance or nonperformance was done with specific intent to breach the contract or whether the student knew that the act, performance or nonperformance breaches the contract. When cadets are found to be in breach of their service agreements, under the terms of such contracts their obligation to the Army may be satisfied through enlisted active-duty service or through recoupment of the cost of advanced educational assistance provided by the Army.

e. Paragraph 3-44 (Discharge and Separation from the U.S. Army Reserve) provides that cadets called to active duty for breach of the terms of their ROTC contract will serve periods of active duty as specified in their contract.

2. AR 601-210 (Regular Army and Army Reserve Enlistment Program) provides that an ROTC cadet assigned to Control Group (ROTC) or participating in the Simultaneous Membership Program who desires to enlist in the Regular Army, to include the Mandatory Service Obligation (MSO) delayed status, may enlist if he or she:

- has received clearance from the appropriate Professor of Military Science (PMS) or ROTC region commander

- DD Form 368 (Request for Conditional Release) is used for this purpose, and it must be in possession of the recruiting officials before processing the cadet for enlistment
- has obtained a DD Form 368 from the ARNG or USAR unit commander, as well as the appropriate PMS or ROTC region commander, if the cadet is a participant in the SMP
- has not been alerted for order to Active Duty (AD) under a Presidential call-up or a partial or full mobilization
- has not been notified of orders directing involuntary order to AD
- is not an ROTC scholarship recipient

3. Title 10, United States Code, section 2005 (Advanced Education Assistance: Active Duty Agreement; Reimbursement Requirements), provides that the Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree:

- a. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement.
- b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army)
- c. That if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed, such person shall be subject to the repayment provisions of Title 37 USC, section 303a(e); and
- d. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

4. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 United States Code (USC), section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.

//NOTHING FOLLOWS//