

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 October 2024

DOCKET NUMBER: AR20240001015

APPLICANT REQUESTS: cancellation or remission of his Reserve Officers' Training Corps (ROTC) scholarship indebtedness.

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

- DD Form 149 (Application for Correction of Military Record)
- Soldier Talent Profile
- Enlisted Record Brief
- Officer Record Brief
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DA Form 71 (Oath of Office Military Personnel)

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 he obtained the debt after he left the ROTC program in 2006 through 2007. He enlisted in the Regular Army (RA) in 2008 in lieu of debt repayment as advised by his recruiter. In 2014, at the end of his initial enlistment he began to receive notifications of his indebtedness. He was advised by a Defense Finance and Accounting Service (DFAS) representative the debt should have been repaid with only 2-years of active service and now he has 15-years of service which is more than sufficient to repay the indebtedness.
3. A review of the applicant's service record shows:
  - a. On 1 April 2008, the applicant enlisted in the RA and had continuous service through reenlistments. DD Form 1966 (Record of Military Processing – Armed Forces of the United States) shows in 22b (Education) the applicant was never enrolled in ROTC and in 24a (Previous Military Service or Employment with the U. S. Government) he was not in or had been in the reserve branch of the Armed Forces.

- b. The applicant's Enlisted Record Brief shows his Basic Active Service Date (BASD) and Pay Entry Base Date (PEBD) as 1 April 2008.
- c. The applicant's Officer Record Brief which shows his BASD and PEBD as 1 April 2008 and his basic date of appointment as 5 October 2017.
- d. On 20 November 2014, Orders Number 67-7-A-211, issued by the U.S. Army Human Resources Command (AHRC), appointed the applicant in the RA of the United States effective upon execution of his oath of office.
- e. On 9 August 2017, Orders Number A-08-701603, issued by AHRC, ordered the applicant to active duty to fulfill an active duty requirement in a voluntary indefinite status, effective 12 November 2017.
- f. On 5 October 2017, the applicant was honorably discharged from active duty to accept a commission. DD Form 214 shows the applicant completed 9-years, 6-months, and 5-days of active service.
- g. On 6 October 2017, the applicant executed his oath of office and was appointed a RA commissioned officer in the Army Medical Specialist Corps.

4. The applicant provides: Soldier Talent profile which shows his BASD as 1 April 2008.
5. The applicant submitted a previous application to the Army Review Boards Agency (ARBA) regarding the remission or cancellation of his ROTC indebtedness. The application was returned without action on 22 January 2015, because his application did not contain sufficient evidence to support his request. He was advised to provide a copy of the university enrollment/disenrollment contracts which had shown attendance in the ROTC program and the letter from DFAS explaining his indebtedness.
6. On 2 August 2024, ARBA notified the applicant that in order for the Army Board for Correction of Military Records to consider his application regarding his ROTC indebtedness he was required to provide a copy of his ROTC disenrollment and he had 30-days to provide the documentation. The applicant did not respond to the request.
7. On 7 August 2024, in the processing of this case, DFAS provided the following information regarding the applicant's indebtedness. The Defense Debt Management System shows the applicant's original debt was in the amount of \$8,901.80 plus interest, penalties and administrative fees amounting to \$12,387.68. DFAS had collected \$600.00 towards the debt and \$58.30 of his debt was written off for a current balance of indebtedness in the amount of \$20,631.18. The indebtedness was reported for ROTC Education Tuition Assistance.

8. On 10 October 2024, in the processing of this case, the U.S. Army Cadet Command (USACC) provided information regarding the applicant's disenrollment from the ROTC program. The USACC official stated the commanding general ordered the applicant to repay his scholarship benefits. The command no longer has the hard copies of his disenrollment packet; however, she provided his Cadet Record Brief, Financial Assistance Record and a screenshot of the repayment database.

- a. Cadet Record Brief shows his current status as disenrolled and he was a 4-year National Scholarship winner which was awarded in the period of 2006 through 2007. He was enrolled in the program on 28 August 2006 and was disenrolled on 24 March 2008 due to withdrawal from [REDACTED]. It also shows he failed his courses during the period of 10 January through 1 April 2008.
- b. The U.S. Army Advanced Education Financial Assistance Record shows he was provided \$8,843.50 in educational assistance through his scholarship.
- c. Repayment database shows the applicant was disenrolled from the ROTC program and he was approved for repayment installments.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board found the applicant's period of enlisted service and subsequent commissioned service sufficient to satisfy the debt he incurred with he was disenrolled from ROTC. Based on a preponderance of the evidence the Board determined the applicant's record should be corrected to show collection of his ROTC scholarship debt was cancelled and any monies he paid toward the debt should be returned to him.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|            |            |            |                      |
|------------|------------|------------|----------------------|
| [REDACTED] | [REDACTED] | [REDACTED] | 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 to show collection of his ROTC scholarship debt was cancelled. As a result of this correction, any monies he has paid toward the debt should be returned to him.

3/31/2025

 XCHAIRPERSON  


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. Army Regulation (AR) 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled based on this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.
3. AR 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training), prescribes policies and general procedures for administering the Army's Senior Reserve Officers' Training Corps (SROTC) Program.
  - a. Paragraph 3-39 (Termination of scholarship and disenrollment), the Commanding General, ROTC Cadet Command, is the approving authority for termination of scholarship and/or disenrollment. A scholarship will be terminated, and the cadet disenrolled for any of the reasons listed in paragraph 3-43.
  - b. Paragraph 3-43 (Disenrollment), a. A non-scholarship cadet may be disenrolled by the Professor of Military Science. A scholarship cadet may be disenrolled only by the

CG, ROTCCC. Disenrollment authority does not include the discharge authority for Simultaneous Membership Program participants.

4. Title 10, USC, 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. 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
- b. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

//NOTHING FOLLOWS//