

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240001094

APPLICANT REQUESTS: to remit, cancel, or waive his Defense Finance and Accounting Service (DFAS) debt for paid drills.

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

- DD Form 149 (Application for Correction of Military Record)
- Order Number 0005352950.00, 14 July 2023
- DFAS letter of Indebtedness to the U.S. Government, 23 October 2023
- DFAS Debt and Claims statement, 23 October 2023

FACTS:

1. The applicant states:

a. When he transferred from the 689th Engineer Company to the Individual Ready Reserve (IRR), his change of assignment letter did not reach him until 14 July 2023, as the document is dated. The document states that the change of station is effective 30 November 2022, as a part of his contract. He was ordered to continue drilling until the orders were received and collected pay for those drill days.

b. He requests the date of separation be corrected and the debt to the Department of Defense (DOD) for those paid drill days be removed. He was ordered to continue drilling with his old unit by the First Sergeant at the time and to sign in to be paid until the orders were received. The orders were backdated causing the debt to the DOD.

2. A review of the applicant's military service records show:

a. On 1 December 2016, he enlisted in the U.S. Army Reserve (USAR) for a period of 8 years (6 years in a Troop Program Unit (TPU) and 2 years in the IRR).

b. On 14 July 2023, the Department of the Army published Order Number 0005352950.00, which assigned the applicant to the USAR Control Group (Reinforcement), effective 30 November 2022.

c. His record contains DA Form 5016 (Retirement Accounting Statement) dated 31 December 2023, which shows, in relevant part in the annual detail supplement, he had TPU service from March to June 2023.

3. The applicant provides:

a. DFAS letter of Indebtedness to the U.S. Government dated 23 October 2023, which notified him that his debt had been referred to DFAS Debt and Claims Management Operations for collection.

b. DFAS Debt and Claims statement billing date 23 October 2023, showing a total balance due in the amount of \$2,026.20.

4. On 6 June 2024, the USARC, Chief, Enlisted Management Branch, provided an advisory opinion for this case and recommended granting relief for the applicant's request regarding his debt and reassignment order amendment. The advisory official stated:

a. Records indicate the applicant enlisted into the Army Reserve on 1 December 2016 on a 6x2 contract; 6 years service in a TPU and 2 years in the IRR. His TPU Contractual Obligation Service (TCOS) date was 30 November 2022.

b. The applicant satisfactorily served his 6-year commitment in his TPU; however, his reassignment order to the IRR was delayed and not issued until 14 July 2023, with an effective date of 30 November 2022. This delay was most likely due, in part, to the Army's transition from Regional Level Applications Software to Integrated Personnel and Pay System - Army, as the Army Reserve entered "Brownout" in November 2022 until January 2023. The applicant was erroneously instructed by his unit to continue attending Battle Assemblies (BA), even though he had completed his contractual obligation. Once the reassignment order was issued on 14 July 2023 and made effective 30 November 2022, this created a debt for the applicant. His DA Form 5016 reflects he attended drill from March-June 2023.

c. After exhaustive review of this case, this Headquarters recommends relief for the applicant regarding his debt and reassignment order amendment request. He was erroneously instructed to attend BA after his TCOS date; therefore, incurring the debt. This Headquarters will amend the reassignment order to reflect an effective date of 1 July 2023. This will credit the applicant for his service past TCOS and alleviate the debt in the pay system.

5. On 12 June 2024, the applicant was provided with a copy of the USARC advisory opinion. He did not respond.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted into the U.S. Army Reserve on 1 December 2016 on a 6x2 contract; 6 years service in a TPU and 2 years in the IRR. His TPU Contractual Obligation Service (TCOS) date was 30 November 2022. The applicant satisfactorily served his 6-year commitment in his TPU; however, his reassignment order to the IRR was delayed and not issued until 14 July 2023, with an effective date of 30 November 2022. This delay was most likely due, in part, to the Army's transition from Regional Level Applications Software to Integrated Personnel and Pay System - Army, (IPPS-A) as the Army Reserve entered "Brownout" in November 2022 until January 2023. The applicant was erroneously instructed by his unit to continue attending Battle Assemblies (BA), even though he had completed his contractual obligation. Once the reassignment order was issued on 14 July 2023 and made effective 30 November 2022, this created a debt for the applicant. His DA Form 5016 reflects he attended drill from March-June 2023. The Board reviewed and agreed with the advisory official's determination that relief for the applicant regarding his debt and reassignment order amendment request is warranted as an error and an injustice occurred. He was erroneously instructed to attend BA after his TCOS date; therefore, incurring the debt. The Board determined an injustice occurred.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 having the U.S. Army Reserve Command amend Orders Number 0005352950.00, dated 14 July 2023 to

show the effective date of assignment to the USAR Control Group (Reinforcement), effective 1 July 2023 vice 30 November 2022.

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 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. In accordance with the authority of Title 10, U.S. Code (USC), section 7837 and/or Title 32, USC section 710(c), 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.
2. Title 10, USC, section 7837 (Settlement of accounts: remission or cancellation of indebtedness of members) states, the Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Army, whether as a Regular or a Reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.

//NOTHING FOLLOWS//