

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 October 2024

DOCKET NUMBER: AR20240001154

APPLICANT REQUESTS: payment of the Student Loan Repayment Program (SLRP) incentive in accordance with his 2010 reenlistment agreement.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 Student Loan Repayment Program Addendum Army National Guard (ARNG) of the U.S.), 5 February 2010
- National Student Loan Data documents
- Student Financial Aid Summary

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 in pertinent part that he reenlisted while deployed in 2010 and elected to be enrolled in the SLRP. As a contingent of this incentive, his student loans were supposed to be paid off, however since they were in default payment, they could not be made. His unit advised him that payment could not be made until the loans were returned to good standing. He applied to have the loans repaid and thought that the payments were being made but was later informed that this was not the case. At the time, he was unable to make the payments due to his other financial obligations, but since then he has reenlisted, made payments on his newly obtained loans and the old ones. In October 2023, the government offered to remove his loans from default thereby making them eligible for repayment under the SLRP. He would like loan repayment to be initiated and reimbursement for the payments that he has already made. He served over 20 years in the ARNG.

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

- a. On 31 March 2003, the applicant enlisted in the ARNG for 8 years with duty as a 91W (Health Care Specialist).
- b. On 5 February 2010, the applicant reenlisted in the ARNG for 6 years with entitlement to a \$5,000.00 Reenlistment/Extension Bonus (REB). This reenlistment is void of a SLRP addendum.
- c. On 10 February 2015, the applicant elected to extend his enlistment in the ARNG by 6 years with entitlement to a \$12,000.00 REB.
- d. On 6 March 2021, the applicant elected to extend his enlistment in the ARNG by 6 years.
- e. On 24 April 2023, the applicant was issued a Notification of Eligibility for Retired Pay for Non-Regular Service (20 Year Letter).
- f. On 22 November 2023, the GAARNG issued Orders Number 6636501 reassigning the applicant to the U.S. Army Reserve (Retired Reserve), effective 4 July 2023.

4. The applicant provides the following a:

- a. NGB Form 600-7-5-R-E dated 5 February 2010, reflective of his election to participate in the SLRP. He had 8 disbursed loans totaling \$15,499.00. Section III (Entitlement and Payments) provides that loans that fall into default at any time after the applicant's enlistment/reenlistment/extension will not be eligible for repayment. Loans that are in default at the time of his enlistment/reenlistment/extension will not be eligible for repayment. Section VI (Statement of Understanding) provides understanding by the applicant that his loans were not the responsibility of the government. He acknowledged the responsibility for maintaining the loan accounts in good standing and if his loans went into default, the ARNG would not make payment on defaulted loans.
- b. National Student Loan Data documents, reflective of information pertaining to the applicant's 8 student loans totaling \$15,499.00; originated between 2002-2009. The loans were deferred in October 2009.
- c. Student Financial Aid Summary reflective of the applicant's 12 student loans (9 subsidized and 3 unsubsidized) totaling \$30,841.00. All loans reflect being in forbearance effective 31 October 2023 or paid off. However, each previously went into default on or about 12 September 2014.

5. On 9 August 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending partial approval of the applicant's request noting that he

submitted the required paperwork to the State education office and the first payment should have been issued 5 February 2011 but was not disbursed. An additional payment should have been made the following year in 2012. His loans entered default due to lack of payment in 2013. When he reenlisted, the applicant endorsed the SLRP addendum stating in Section VI, "my loan is not the responsibility of the government. I am responsible for maintaining my loan accounts in good standing. If I do not, my loans will go into default. The ARNG will not make a payment on defaulted loans." The applicant is due a payment for Fiscal Year (FY) 11 and FY12 before loans were defaulted.

6. On 15 August 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. On 20 August 2024, the applicant acknowledged receipt of the advisory opinion and offered no objections per remarks in the Army Review Board Case Tracking System.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 and National Guard Bureau – Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for partial approval finding the applicant is due payment for Student Loan Repayment Program (SLRP) incentive for fiscal year 2011 and fiscal year 2012 before the applicant's loans were defaulted.

2. The Board noted the applicant signed his SLRP addendum stating in section VI, "My loan is not the responsibility of the government. He clearly understood he was responsible for maintaining his loan accounts to stay in good standing. Based on the advising opine, the Board granted partial relief to pay the applicant's SLRP incentive for fiscal years 2011 and 2012 when the applicant's loan was in good standing.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing payment for Student Loan Repayment Program (SLRP) incentive for fiscal year 2011 and fiscal year 2012.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to payment of the Student Loan Repayment Program (SLRP) incentive in accordance with his 2010 reenlistment agreement.

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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 Incentive Program (SRIP)) Section VII (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10 USC 16301 authorizes the education loan repayment program for qualified members of Selected Reserve (SELRES) enlisted personnel with loans made, insured, or guaranteed under part B of Title IV of the Higher Education Act of 1965 (Title 20 USC 1071), any loan made under part D of such title (Title 20 USC 1087) or any loan made under part E of such title (Title 20 USC 1087). The SLRP is offered to Non-Prior Service or Prior Service personnel. In addition to general SLRP eligibility requirements, members must also meet the following criteria:

- Enlist for a minimum of 6 years
- Have existing loans at the time of their enlistment
- Meet the current Armed Forces Qualification Test requirements
- Have not previously received the SLRP
- Be preapproved from the ARNG incentive management system in accordance with the current FY SRIP policy
- Completes a Student Loan Repayment Addendum (NGB Form 600-7-5-R-E) as part of the enlistment contract

a. Paragraph 2-25 (Eligible Loans) provides that loan(s) in default at the time of enlistment, reenlistment, or extension are not eligible for repayment under this program. Loans that fall into default prior to and remain in default at the time of the scheduled annual payment will not be processed at that time. Repayment of loans that fell into default may be eligible for repayment on the following anniversary date provided they are not still in default. It is the Soldier's responsibility to ensure loans do not go into default.

b. Paragraph 2-27 (Entitlement) provides that repayment of such loan(s) annotated in Section 2-25 shall be made on the basis of each complete year of service performed by the borrower. Nothing in this section will be construed to authorize refunding any repayment of a loan. This includes payment made against the loan by any individual or agency, including the member.

c. Paragraph 2-28 (Soldier Responsibilities) provides that it is the Soldiers responsibility to maintain loan account(s) in good standing. The government will not make payment(s) on defaulted loans.

//NOTHING FOLLOWS//