

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 October 2024

DOCKET NUMBER: AR20240001308

APPLICANT REQUESTS: cancellation of indebtedness in the amount of \$1,216.67.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 311-401, 7 November 2019
- DA Forms 4187 (Personnel Action), 5 August 2022
- U.S. Army Cyber Command (ARCYBER) Memorandum - Subject: Approved Cyber Assignment Incentive Pay (CAIP) for Army Cyber Workforce, 27 October 2022
- Transmittal of Pay and Documents Memorandum with Unit Transmittal Letter, 9 December 2022
- Defense Finance Leave and Earnings Statements (LES), August 2022 - May 2023
- DA Form 2823 (Sworn Statement), 15 May 2023
- Assumption of Command Memorandum for Record (MFR), 6 June 2023
- MFRs - Subject: [Applicant] Indebtedness Memorandum, 15 June 2023
- DA Form 3508 ((Application for Remission or Cancellation of Indebtedness)
- U.S. Army Human Resources Command (HRC) Memorandum - Subject: Remission or Cancellation of Indebtedness [Applicant], 12 December 2023

FACTS:

1. The applicant states:

a. He requests cancellation of indebtedness in the amount of \$1,216.67. The cause of indebtedness is due to failure of finance office processing records to properly complete changes in his Save Pay. He believes there are both issues with the start date of the new CAIP and the end date of the old CAIP, which resulted in an erroneous indebtedness to occur. LES records show information on the start of the new CAIP payment that is not the date listed on the approval memo sent to the finance office via transmittal letter 12-002 Source Code_DX.pdf.

b. He received the initial disapproval letter from Lieutenant Colonel [REDACTED] Chief, Incentives Pay Branch, on 13 December 2023. He is submitting this form to the Army Board for Correction of Military Records (ABCMR) for further review.

c. The debt occurred approximately 1 January 2023. Joint Base San Antonio Finance Office notified of the debt on 17 April 2023. He was notified by Mrs. [REDACTED] Military Pay Technician, Joint Base Fort Sam Houston on 17 April 2023, via email. He had no suspicion or knowledge of error, due to having assumed that finance properly input the Save Pay/CAIP information and that the advance debt was removed/self-corrected.

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

a. He enlisted in the Regular Army on 7 June 2010.

b. On 12 August 2011, the U.S. Army Intelligence Center of Excellence, Fort Huachuca, AZ, published Orders Number 224-00039, which awarded the applicant Military Occupational Specialty (MOS) 35T (Military Intelligence Systems Maintainer/Integrator), effective 18 August 2011.

c. On 27 July 2017, Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon, published Orders Number 208-014, which awarded the applicant Primary MOS 17C20 (Cyber Operations Specialist) and Secondary MOS 35T20, effective 8 August 2017.

d. On 2 February 2018, he completed the Cyber Operations Specialist Advanced Leader Course.

e. On 23 March 2018, Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon, published Orders Number 82-802, which promoted the applicant to the rank/grade of staff sergeant/E-6, effective 1 April 2018.

f. On 7 November 2019, Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon, published Orders Number 311-401, which assigned the applicant to Joint Base San Antonio (JBSA), TX, with a report date of 20 January 2020.

g. On 15 January 2020, Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon, published Orders Number 015-304, which terminated the applicant's SD-2 Pay [Special Duty Assignment Pay (SDAP) Level 2] in the amount of \$150.00 per month, effective 13 January 2020.

h. On 30 January 2020, DA Form 4187 shows the applicant requested CAIP at the rate of \$250.00 per month for 36 months for Tier III while he was assigned and

performing duties as a Network Analyst. He acknowledged that he was entering into a written agreement to serve in an approved U.S. Cyber Command (USCYBERCOM) or ARCYBER Cyber Mission Force Work Role. He understood the agreement would terminate on 15 January 2023. His current separation date was 27 September 2025. The Brigade Commander approved the applicant's request and signed the DA Form 4187 on 7 February 2020.

i. On 21 February 2020, Headquarters, U.S. Army North (Fifth Army), Military Personnel Division, JBSA Fort Sam Houston, TX, published Orders Number 052-104, which awarded the applicant SDAP Level 2 in the amount of \$150.00 (Basic Level Cyber Mission), effective 15 January 2020.

j. On 21 September 2021, he completed the Cyber Operations Specialist Senior Leader Course.

k. On 16 June 2022, HRC published Order Number 167-69, which promoted the applicant to the rank/grade of sergeant first class (SFC)/E-7, effective 1 July 2022.

l. On 12 December 2023, the HRC, Chief, Incentive Pay Branch notified the Director, Department of the Army, U.S. Army Financial Management Command, Army Military Pay Office, Fort Sam Houston, TX, that the applicant's request for remission or cancellation of indebtedness in the amount of \$1,216.67 was disapproved, and stated:

(1) The application for remission or cancellation of indebtedness for the applicant in the amount of \$1,216.67 has been reviewed and is disapproved. The review determined that no grounds exist to remit the debt based on hardship and/or injustice. Please advise the applicant to contact the local finance office for repayment.

(2) The applicant can apply to the ABCMR for further review if he feels an injustice occurred. Guidance for this process can be found in Army Regulation (AR) 15-185 (ABCMR). This response does not imply that an error or injustice occurred. Neither will mere submission of the request guarantee a formal hearing or result in any favorable action taken. Each case is considered on the evidentiary information provided with the final determination based on the merits of the individual case.

m. The applicant is currently serving in the Regular Army.

3. In support of his case the applicant provides:

a. DA Forms 4187 dated 5 August 2022, which show:

(1) He requested termination of his CAIP contract and to stop payment in the amount of \$250.00, due to change of AIP [Assignment Incentive Pay] rate per

ARCYBER AIP policy. The requested termination date shows 4 August 2022, and he acknowledged that he was aware any overpayment would be recouped once termination was processed by the local Finance Office. The Brigade Commander (BDE CDR) signed the form on 4 October 2022.

(2) He requested Fiscal Year 2022 CAIP at the rate of \$1,000.00 per month for 36 months for Tier I Basic Level while he was assigned and performing duties as a Remote Operator (RO). He acknowledged he understood that he was entering into a written agreement to serve in an approved USCYBERCOM or ARCYBER Cyber Mission Force Work Role. He understood the agreement would start on the date of the BDE CDR's signature. His current separation date was 27 September 2025. The BDE CDR approved the applicant's request and signed the DA Form 4187 on 4 October 2022.

b. ARCYBER Memorandum - Subject: Approved CAIP for Army Cyber Workforce, dated 27 October 2022, which shows the applicant's request for CAIP (RO/Tier I) was approved in the amount of \$1,000.00, effective 8 August 2022.

c. Transmittal of Pay and Documents Memorandum with Unit Transmittal Letter dated 9 December 2022, which show DA Forms 4187 (start and stop) and supporting documents were submitted to the Army Military Pay Office.

d. DFAS LESs for the period covered from August 2022 through May 2023, which show in pertinent part, save pay, special duty pay, and advance debt in the amount of \$1,216.67 appearing on his January 2023 LES. The LESs also show other entitlements, deductions, and remarks.

e. DA Form 2823 dated 15 May 2023, which shows he provided a sworn statement outlining the details and circumstances, including cause and reason for the debt to the U.S. Army.

f. Assumption of Command MFR dated 6 June 2023, showing First Lieutenant [REDACTED] assumed command of Detachment Texas, 782D Military Battalion (Cyber), JBSA, TX, from 7 to 21 June 2023.

g. MFRs - Subject: [Applicant] Indebtedness Memorandum dated 15 June 2023, which show the immediate and BDE CDRs requested approval of the applicant's request for cancellation of Notice of Indebtedness. "Due to a change in work role and a resulting CAIP adjustment, Army Finance is attempting to claim back \$1,200.00 from SFC [REDACTED] [the applicant]." In support of his administrative actions, the BDE CDR requested the indebtedness charge be waived per his signing authority.

h. DA Form 3508 dated 20 June 2023, which shows the applicant and his immediate commander requested remission or cancellation of the applicant's debt for save pay in the amount of 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.

4. On 5 and 9 August 2024, email between DFAS and the Army Review Boards Agency shows DFAS officials stated they [DFAS] did not have any records on file for the applicant. The applicant is not showing as ever having a debt with "out of service." The member had no record in their debt system.

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 noted the applicant's chain of command through the brigade level supported his request for remission or cancellation of his debt and found that any debt he incurred was not the result of any error or omission on his part. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show the debt he incurred as a result of overpayment of incentive pay was cancelled.

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 showing his request for remission or cancellation of debt in the amount of \$1,216.67 was approved. As a result of this correction, any amounts he has paid toward the debt should be returned to him.

4/1/2025


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. AR 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
2. 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 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.
3. 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//