

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 October 2024

DOCKET NUMBER: AR20240001407

APPLICANT REQUESTS: in effect, cancellation of her Army debt.

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 she is looking for documentation on where her military debt came from. She was cleared from "CFS" (unknown acronym) when outprocessing over 11 years ago and she has no record of anything being owed. She cannot get in touch with anyone who is able to process records that are over 10 years old. She just received the deny notification in 2023. She does not have information to what this debt relates to.
3. The applicant enlisted in the Regular Army on 21 June 2006 and held military occupational specialty 92A, Automated Logistical Specialist.
 - a. She served in Kuwait/Iraq from May 2007 to August 2008 and from September 2009 to September 2010. She was advanced to sergeant/E-5 in March 2010. She reenlisted in the Regular Army for 4 years on 16 December 2008 and extended her reenlistment by 7 months on 9 November 2011.
 - b. On 26 September 2012, she was reprimanded for driving under the influence of alcohol after being apprehended by military law enforcement officials on Joint Base Lewis-McChord, WA, for suspicion of driving under the influence of alcohol.
 - c. She was honorably discharged from active duty on 15 December 2012 due to non-retention on active duty. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed over 6 years, 5 months of active service.

4. On 9 August 2024, the Defense Finance and Accounting Service advised that the applicant has a debt in the Defense Debt Management System (DDMS) that was originally for \$9,039.54 plus interest/penalties/admin fees of \$95.32. The current debt balance is \$5,054.88. The debt balance of \$5,054.88 has been referred to the Treasury Offset Program (TOP) for collection. The member may owe more than the debt of \$5,054.88 as TOP may have additional penalties/fees. There is no debt documentation as the debt interfaced to the DFAS DDMS system. The member's debt in the debt system is reported as the debt is due to the loss or damage of government property. [Note: DDMS is used to track and collect debts for the Department of Defense (DoD) The DDMS system uses a number of steps to collect debts, including referring them to private collection agencies, reporting them to credit bureaus, and transferring them to the Department of the Treasury Offset Program or the Department of Justice. Interest is assessed monthly on delinquent debt.]

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 minimal information available regarding the basis of the applicant's debt to constitute an injustice. The government's failure to maintain records on the basis for the debt puts her in a position of being effectively unable to contest the validity of the debt. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show collection of the debt was cancelled and any monies she has paid toward the debt should be returned to her.

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 showing collection of the debt in the amount of \$9,039.54 was cancelled. As a result of this correction, any monies the individual concerned has paid toward the debt should be returned to her.

3/31/2025

X [REDACTED]

CHAIRPERSON
[REDACTED]

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, U.S. Code, 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. A Principal Deputy Under Secretary of Defense memorandum delegates to the Secretary concerned a determination on a case-by-case basis that debt repayment will not be required, if it is determined that such repayment would be contrary to a personnel policy or management objectives, against equity and good conscience, or contrary to the best interest of the United States.

//NOTHING FOLLOWS//