

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240001601

APPLICANT REQUESTS: reinstatement and payment of his Student Loan Repayment Program (SLRP) incentive for Fiscal Year 2014 (FY14).

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum Army National Guard (ARNG) of the United States), dated 17 December 2012 to be addressed in the service 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, in part:

- When he enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) in 2012, he completed a bonus addendum entitling him to the SLRP
- He properly received SLRP payments from FY15-FY19, however, he did not receive payment for FY14
- Therefore, he needs to be properly compensated for the missing SLRP payments on the remaining student loan debt that is still outstanding since 2012

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

- On 17 December 2012, he enlisted in the [REDACTED] ARNG; in conjunction with this enlistment, he signed NGB Form 600-7-5-R-E, for SLRP entitlement of 2 student loans totaling \$8,250.00 and an enlistment period of no less than 6 years in the Selected Reserve
- On 25 September 2014, he accepted a Reserve commissioned and executed an oath of office; in conjunction, NGB Form 337 shows he accepted a commission

with the [REDACTED] ARNG and executed an oath of office and was appointed as a second lieutenant (2LT) in the ARNG by way of Orders Number 268-1012

- Special Orders Number 333, dated 14 November 2014 was issued for retroactive Federal recognition of his date of rank to 2LT in the [REDACTED] ARNG, effective 25 September 2014
- He continues service with the ARNG

4. On 2 December 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request stating:

a. The applicant signed a six-year enlistment contract with the [REDACTED] ARNG on 17 December 2012. He had two qualifying loans in the amount of \$8,250.00 for the SLRP at the time and was eligible to receive the incentive based on the guidance of the ARNG Selected Reserve Incentive Program (SRIP) for FY12, which was in effect at the time.

b. He states in his ABCMR claim that his initial payment for the period of FY14 was not paid, and that the reason for the non-payment was due to his unit not informing him and following through on submitting his annual documentation to process his missing SLRP payment. He additionally claims he contacted the State G-1 incentives office to receive guidance on how to resolve the issue regarding his missing SLRP payment.

c. A review of his training records, and the Guard Incentives Management System provided no reason on why the applicant's FY14 payment was not paid. The [REDACTED] ARNG also did a review of his claim and found no reason for the non-payment and agreed that he is fully eligible to receive his FY14 SLRP payment.

d. It is the recommendation of this office that the FY14 SLRP payment be initiated. The [REDACTED] ARNG incentives office reviewed his claim and found no reason for the non-payment and therefore recommend that he is fully eligible to receive his FY14 SLRP incentive payment.

e. The opinion was coordinated with the [REDACTED] ARNG Incentive section.

5. On 3 December 2024, the applicant was provided with a copy of the advisory opinion and afforded an opportunity to respond. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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, military records, and the advisory opinion from the National Guard Bureau (NGB) Special Actions Branch, the Board concurred with the advising official’s recommendation for approval. The Board determined that the applicant had signed a six-year enlistment contract with [REDACTED] Army National Guard ([REDACTED] ARNG) on December 17, 2012, and possessed two qualifying loans totaling \$8,250.00 under the Student Loan Repayment Program (SLRP).

2. Further, the Board found sufficient evidence to support the applicant’s request for reinstatement and payment of the SLRP incentive for Fiscal Year 2014 (FY14). Based on the advising opinion, it was confirmed that the applicant was eligible to receive the incentive under the guidelines of the Army National Guard Selected Reserve Incentive Program (SRIP) for FY12, which was in effect at the time. Based on this, the Board granted relief for reinstatement and payment of the applicant’s Student Loan Repayment Program (SLRP) incentive for Fiscal Year 2014 (FY14).

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 records of the individual concerned be corrected to show the applicant is authorized reinstatement and payment of the applicant's Student Loan Repayment Program (SLRP) incentive for Fiscal Year 2014 (FY14).


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CHAIRPERSON

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. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) states with regard to loan repayment, loans that are eligible for repayment must be stipulated under Title 10, USC, section 16301. SLRP qualifying loans will be per current FY SRIP policy. The total amount that will be repaid on all loans on behalf of any member under this program will not exceed the program maximum amount authorized by FY SRIP policy at time of signature. It is the Soldiers responsibility to complete a DD Form 2475 each anniversary year upon receipt from the incentive Manager or the Unit Administrator. Nothing in this section will be construed to authorize refunding any repayment of a loan, including payments made against the loan by any individual or agency, including the member. It is the Soldiers responsibility to maintain a current mailing address on file with the government.

3. Army Regulation 135-7 (Incentive Programs) states the SLRP incentive provides for the repayment by the Government of a designated portion of any outstanding loan(s) secured after 1 October 1975. Subject to this chapter, any loan made, insured or

guaranteed under Part B of the Higher Education Act of 1965, or any loan made under Part E of this Act, after 1 October 1975, may be repaid.

a. The following loans qualify for repayment. However, these loans must have been incurred after 1 October 1975 or qualifying periods of Selected Reserve service after 1 October 1980.

- Stafford Loan Program (formerly Guaranteed Student Loans (GSL))
- Federally Insured Student Loans (FISL)
- Perkins Loan (formerly National Defense Student Loan and National Direct Student Loans (NDSL))
- Auxiliary Loans to Assist Students (ALAS)
- Supplemental Loans for Students (SLS)
- Consolidated Loan Program (CLP)
- SMART Loans

b. For each year of satisfactory service in the Selected Reserve, the loan amount to be repaid if the amount of the loan or loans does not exceed the designated maximum portions, the amount of annual repayment is 15 percent of the original balance of the loan or loans, plus accrued interest not paid by the Department of Education, or \$500.00 plus the accrued interest not paid by the Department of Education, whichever is greater.

c. A Soldier will not be eligible for any initial or subsequent loan repayments until he or she— has completed IADT, is MOS qualified or received sufficient training to be deployed. Has been awarded a high school diploma or otherwise qualifies as a secondary school graduate as prescribed by paragraph 1–7.1d and shows proof of such status within the time frame established in paragraph 1–7.1a. Has served 1 year in the Selected Reserve after securing the loan or loans. Has reached the anniversary date of the Selected Reserve contract for SLRP participation.

4. Title 31, USC, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of *Pride versus the United States*, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

//NOTHING FOLLOWS//