

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 October 2024

DOCKET NUMBER: AR20240001621

APPLICANT REQUESTS: remission/cancelation of Reserve Officers' Training Corps (ROTC) scholarship debt in the amount of \$41,450.35 and a personal appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 2 September 2014
- DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract), 2 September 2014
- Addendum to Part II Agreement of Cadet Contract (Active-Duty Option), 24 March 2018
- Orders Number 140-009, 17 May 2019
- Memorandum – Subject: Disenrollment and Instructions for Order to Active Duty, 17 May 2019
- Orders Number 143-030, 17 May 2019
- Orders Number 05-0142, 22 May 2019
- U.S. Army Advanced Education Financial Assistance Record
- DD Form 4, 17 August 2020
- DA Form 3286 (Statement for Enlistment U.S. Army Enlistment Program), 17 August 2020
- Headquarters, U.S. Army Cadet Command and Fort Knox letter, 7 January 2020
- Orders Number A-06-400805, 20 June 2024

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 that she was previously enrolled in the ROTC program. However, due to her inability to fulfill her contractual obligation she was

disenrolled from the program which resulted in a \$41,450.35 debt. Upon her disenrollment, she did not enter a period of active-duty due to family related matters which required her assistance. In August 2020, she enlisted in the Regular Army for three years. She was advised that since she enlisted in the Army for three years, her ROTC debt would be waived, but she was later advised by the finance office that she would need to request relief through this Board for her ROTC debt to be relieved. She further notes that she intends to remain in the Army but is unable to afford repayment of the ROTC debt.

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

a. On 2 September 2014, the applicant enlisted in the U.S. Army Reserve for 8 years and elected to participate in the University [REDACTED] ( [REDACTED] ) ROTC program with entitlement to a scholarship. The applicant endorsed DA Form 597-3 acknowledging her entitlement to full tuition and fees. This document provides acknowledgment by the applicant that once she became obligated and then later disenrolled from the ROTC program, she would be subject to reimburse the U.S. Government through repayment of an amount of money plus interest, equal to the entire amount of financial assistance paid by the U.S. for her advanced education from the commencement of the contractual agreement to the date of her disenrollment. Under the terms of the contract, the applicant further acknowledged that if she was disenrolled from the ROTC program, the Secretary of the Army retained the prerogative to either order her to active duty or order monetary repayment of scholarship benefits. Subsequent enlistment in an Armed Service would not relieve her of this repayment obligation.

b. On or about 17 May 2019, the applicant was disenrolled from the ROTC program due to a breach of contract. The applicant elected to be immediately ordered to active duty to fulfill her contractual obligation. The term of her active-duty service would be 48 months as specified in her ROTC contract. Subsequently, Headquarters, U.S. Army Cadet Command and Fort Knox issued Orders Number 140-009 ordering the applicant to active duty for 48 months with an 8 July 2019, reporting date. The applicant was advised that if she was ineligible or failed to complete her active-duty service obligation for 48 months, she would be required to repay the cost of her educational assistance previously provided (\$34,051.33). These orders were later revoked by Orders Number 143-030.

c. On 22 May 2019, the [REDACTED] issued Orders Number 05-0142 releasing the applicant from the U.S. Army Reserve Control Group (ROTC), effective 22 May 2019.

d. On 17 August 2020, the applicant enlisted in the Regular Army for 3 years and 25 weeks.

e. On 14 December 2023, the applicant reenlisted in the Regular Army for 2 years.

f. On 22 January 2024, the Shreveport Medical Recruiting Station provided a letter indicating that the applicant was discharged from ROTC and opted to postpone her active-duty service to prioritize supporting her family through a period of significant hardship.

g. On 20 June 2024, the U.S. Army Human Resources Command issued Orders Number A-06-400805 ordering the applicant to active-duty, effective 12 September 2024 for an indefinite period as a commissioned officer.

h. On 15 July 2024, the U.S. Army Installation Management Command issued Orders Number 197-0256 reassigning the applicant to the transition point pending separation processing.

i. On 11 September 2024, the applicant was honorably discharged from active duty as an enlisted Soldier in order to accept a commission.

4. The applicant provides:

a. Addendum to Part II Agreement of Cadet Contract (Active Duty Option) dated 24 March 2018, reflective of the applicant's submitted request to be ordered to active duty in order to fulfill her contractual obligation. The applicant acknowledged that in lieu of the monetary repayment, the U.S. Army Cadet Command would issue orders for four years in accordance with the terms of her contract. The applicant acknowledged that she would continue to pursue her degree but if disenrolled from the college she would be ordered to active duty within 60 days. If she failed to fulfill the active-duty commitment, she would be subject to the terms of repayment as stated in her ROTC contract.

b. U.S. Army Advanced Education Financial Assistance Record reflective of the applicant's previously received educational assistance funding (\$34,051.33) while participating in the ROTC program.

c. Headquarters, U.S. Army Cadet Command and Fort Knox letter dated 7 January 2020, reflective of the applicant being advised of the \$34,051.33 ROTC debt. The applicant was advised that this was the final response and future appeals would need to be addressed by this Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. A majority of the Board found the applicant's active duty enlisted service should be considered equivalent to the active duty service obligation specified in her ROTC scholarship agreement. Based on a preponderance of the evidence, a majority of the Board determined the applicant's record should be corrected to show her active duty service satisfied her ROTC scholarship debt.

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 her active duty enlisted service fulfilled the active duty obligation specified in her ROTC scholarship agreement and satisfied her ROTC scholarship debt.

4/1/2025

X

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, 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. Army Regulation (AR) 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. The Commanding General, ROTC Cadet Command, is the only authority for discharge of scholarship cadets. ROTC cadets normally will be honorably discharged on the date of disenrollment from the ROTC program, except those ordered to active duty under the terms of their ROTC contract. If not academically enrolled, the cadet will be ordered to active duty 60 days from date of notification of active duty.

a. Cadets assigned to USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government for termination of a scholarship.

b. Cadets assigned to USAR Control Group (ROTC), who are not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC.

c. Scholarship students may be required to repay all or part of their scholarship financial assistance.

d. Paragraph 10-2 (Disenrollment Criteria) subparagraph (b.) provides that when cadets are found to be in breach of their service agreements, under the terms of such contracts their obligation to the Army may be satisfied through enlisted active-duty service or through recoupment of the cost of advanced educational assistance provided by the Army.

3. AR 601-210 (Regular Army and Army Reserve Enlistment Program) provides that an ROTC cadet assigned to Control Group (ROTC) or participating in the Simultaneous Membership Program who desires to enlist in the Regular Army, to include the Mandatory Service Obligation (MSO) delayed status, may enlist if he or she:

- has received clearance from the appropriate Professor of Military Science (PMS) or ROTC region commander

- DD Form 368 (Request for Conditional Release) is used for this purpose, and it must be in possession of the recruiting officials before processing the cadet for enlistment
- has obtained a DD Form 368 from the ARNG or USAR unit commander, as well as the appropriate PMS or ROTC region commander, if the cadet is a participant in the SMP
- has not been alerted for order to Active Duty (AD) under a Presidential call-up or a partial or full mobilization
- has not been notified of orders directing involuntary order to AD
- is not an ROTC scholarship recipient

4. Title 10, USC, section 2005 (Advanced Education Assistance: Active Duty Agreement; Reimbursement Requirements), provides that the Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree:

- a. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement.
- b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army)
- c. That if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed, such person shall be subject to the repayment provisions of Title 37 USC, section 303a(e); and
- d. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

5. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 United States Code (USC), section 4837, 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. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.

6. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the

ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//