

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240001968

APPLICANT REQUESTS: fulfillment of Student Loan Repayment Program (SLRP) incentive payments.

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

- DD Form 149 (Application for Correction of Military Record)
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard Service Requirements and Methods of Fulfillment), 3 January 2008
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum Army National Guard of the U.S.), 3 January 2008
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 3 January 2008
- DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.)

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 when he enlisted in 2008, he elected to participate in the SLRP. At that time, he was advised to provide all student loan information to his recruiter and the rest of the process would be taken care of until the loans were paid off in their entirety (\$20,000.00). He contests that he was never advised of any additional requirements on his behalf.

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

a. On 3 January 2008, the applicant enlisted in the Army National Guard (ARNG) for 8 years with entitlement to the Montgomery G.I. Bill/Kicker, an Enlistment Bonus (\$20,000.00) and the SLRP. NGB Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum ARNG), Section II (Eligibility) provides that the applicant has 2 loans (totaling \$29,511.00). Section VI (Statement of Understanding) provides

acknowledgement by the applicant that his loans were not the responsibility of the government. Further, the ARNG would not make payment on loans in default, and he would make arrangements for lump sum payment, which the ARNG makes each year to be applied to future installments. The applicant was required to furnish the Military Entrance Processing Station counselor with a copy of all promissory note(s) or letters of disbursement upon enlistment. Each year, the applicant would be notified of the requirement to request payment of his loans. He would be responsible for completing the request for payment in accordance with published guidance.

b. On 14 May 2011, the applicant was flagged for failing the Army Physical Fitness Test (APFT).

c. On 1 October 2011, the applicant was again flagged for failing the APFT.

d. On 23 October 2013, the applicant elected to extend his enlistment in the ARNG by 2 years.

e. On 27 October 2015, the applicant elected to extend his enlistment in the ARNG by 6 years.

f. On 8 December 2020, the applicant elected to extend his enlistment in the ARNG by 6 years.

g. On 4 December 2021, the CTARNG issued Orders Number 1548134, announcing the applicant's promotion to the rank/grade of staff sergeant (SSG)/E-6, effective 3 December 2021.

4. The applicant provides DD Form 1966 reflective of his initial enlistment administrative information to include his military occupational specialty of 94F (Computer Detection Systems Repairer).

5. On 20 September 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that after review of his records and coordination with the CTARNG it was determined that he was eligible for the SLRP incentive for the 6 years of his contract. The SLRP contract was not created in the Guard Incentive Management System (GIMS). An exception to policy (ETP) was submitted by CTARNG to NGB Incentives Branch on 4 January 2011 due to Installation Management Application Resource Center failing to capture a SLRP control number prior to 30 September 2010. NGB denied the ETP request on 16 February 2011 stating the ETP deadline was 10 September 2010. Therefore, it is their recommendation that his request be approved because he was eligible to receive loan repayment per his 2008 enlistment contract and through no fault of his own was administratively delayed causing a termination of this benefit.

6. On 20 September 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 30 October 2024, the applicant has not responded.

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 reviewing the applicant's petition, available military records, and the National Guard Bureau – Special Actions Branch advisory opinion, the Board concurred with the advising official's recommendation for approval. After examining the applicant's records and coordinating with the Connecticut Army National Guard (CTARNG), it was determined that he was eligible for the Student Loan Repayment Program (SLRP) incentive for the full six-year duration of his contract. However, the SLRP contract was never created within the Guard Incentive Management System (GIMS).

2. Based on the advising opinion, the Board concluded that the applicant was entitled to receive loan repayment benefits under his 2008 enlistment contract. Through no fault of his own, an administrative delay led to the termination of this benefit. As a result, the Board granted relief to rectify the error and restore the applicant's entitlement.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XX	XXX	XXX	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 fulfillment of Student Loan Repayment Program (SLRP) incentive payments under his 2008 enlistment contract.



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 1-16 (Incentive Payments) provides payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing through the incentive management system for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

b. Paragraph 1-18 (Suspension of SRIP Incentives) provides that except for suspension of favorable personnel actions based on failure to maintain body composition standards or APFT failure, Soldiers who have a suspension of favorable actions will not be processed for an initial or anniversary payment. Bonus payments will be processed effective the date the suspension is lifted, for Soldiers who have continued eligibility.

c. Paragraph 1-20 (Termination) provides that a Soldier's incentive eligibility and entitlement stop when any of the termination reasons listed within the applicable chapters of this regulation apply. Although the Soldier's entitlement to the incentive is terminated, the Soldier's responsibility to serve the current statutory or contractual obligation remains. Repeat APFT failure or failure to meet body fat standard within a one-year period will result in the suspension of an incentive. Two consecutive APFT or body fat standard failures will result in the termination of an incentive.

d. 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.

//NOTHING FOLLOWS//