

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20240002087

APPLICANT REQUESTS: correction of her record to show cancellation/remission of a debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Record (MFR), Subject: CHANGE 2 Fiscal Year (FY) 2019 Battle Assembly Training Schedule, 5 February 2019
- MFR, Subject: FY 2020 Battle Assembly Training Schedule, 12 March 2019
- Email Correspondence for Electronic Based Distance Learning (EBDL) Courses, 21 June 2019 and United States Army Reserve Command (USARC) Approved EBDL List, 13 February 2019 (15 pages)
- Email Correspondence for Request for Authorization for Rescheduled Training (RST) Form Submission dtd 15 August 2019
- DA Form 4651 (Request for Reserve Component Assignment or Attachment), 24 March 2020
- Email Correspondence with Commander 25 March 2020 (Individual Ready Reserve (IRR) packet)
- DA Form 4856 (Developmental Counseling Form), 1 April 2020
- Memorandum for Commander, Subject: IRR Transfer Request for Sergeant (SGT) [REDACTED]
- Email Correspondence from Army Reserve Administrator dated between 7 May 2020 - 30 June 2020
- Email Correspondence w/Congressional Actions Coordinator, 8 February 2024 and Digital Privacy Release Form

FACTS:

1. The applicant states she requests correction of her service record for bonus administrative error and pay/allowance repayment claims. She disputes the debt and provides documentation that supports her stance. She is seeking relief from the erroneous demand and wants to ensure her record accurately reflects compliance. She submitted all required documentation supporting her claim for separation, as she was

directed to by the Army Reserve Administrator and her assigned Unit Commander. Due to compelling personal reasons, she qualified to maintain her post-military benefits, with a component change to the IRR. In reference to pay and allowances, she states monthly payments from 7 October 2019 through 19 December 2019 and 15 February 2020 through 26 July 2020, were duly made. Also, during this timeframe, in accordance with medical advice facing pregnancy-related medical issues, her Commander permitted virtual training in place of scheduled battle assemblies. She claims that per the Army Reserve Administrator all documentation was submitted on her behalf as of 30 June 2020.

2. A review of the applicant's official record shows the following:

a. On 22 September 2015, the applicant enlisted in the Regular Army for a period of 3 years and 31 weeks, and continued service through reenlistments.

b. DA Form 3286 (Statement of Enlistment - United States Army Enlistment Program) dated 22 September 2015 shows she acknowledged enlisting for the United States Army Training Enlistment Program and the United States Army Incentive Enlistment Program (U.S. Army Partnership for Youth Success Program) and acknowledges an 8 year obligation to the U.S. Armed Forces.

c. Her enlisted record brief shows her pay entry basic date as 22 September 2015 and her expiration of term of service date as 26 April 2019.

d. Orders Number 303-0001 issued by Headquarters, U.S. Army Garrison, Fort George G. Meade, MD, released the applicant from active duty and transferred her to U.S. Army Reserve Control Group (Reinforcement), effective 26 April 2019. The orders state her terminal date of Reserve obligation ends on 22 July 2023.

e. Orders Number 036-0001 issued by Headquarters, U.S. Army Garrison, Fort George G. Meade, released the applicant from active duty and reassigned her to A Company, 378th Military Intelligence Battalion, effective 26 April 2019. The orders state her terminal date of Reserve obligation ends on 22 July 2023.

f. A DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was honorably released from active duty on 26 April 2019 and reassigned A Company, 378th Military Intelligence Battalion. Her DD Form 214 shows she completed 3 years, 7 months, and 5 days of net active service.

g. Orders Number 0004149573 issued by Headquarters, Department of the Army, involuntarily discharged the applicant effective 7 March 2023.

h. The applicant's records are void of enlistment documents for the U.S. Army Reserve. Likewise, it is void of any documents pertaining to an enlisted affiliation bonus or prior service enlistment bonus.

3. The applicant provides:

a. MFR, Subject: CHANGE 2 Fiscal Year 2019 Battle Assembly Training Schedule dated 5 February 2019, that indicates the dates and Drill Hall as the location of her assigned unit's scheduled Battle Assemblies for FY 2019 and endorsed by the commander.

b. MFR, Subject: FY 2020 Battle Assembly Training Schedule dated 12 March 2019, that indicates the dates and building 5500 as the location of her assigned unit's scheduled Battle Assemblies for fiscal year 2020 and endorsed by the commander.

c. Email correspondence for EBDL Courses dated 21 June 2019 with the Human Resources section informing the applicant of the list of approved EBDL Courses and the USARC Approved EBDL list (15 pages) dated 13 February 2019, that displays the regulatory guidance for courses approved to by USARC for distance learning.

d. Email correspondence for Request for Authorization for RST Form Submission dated 15 August 2019, providing the applicant a copy of the unit's new RST form.

e. DA Form 4651 digitally signed on 25 March 2020 by the applicant. The form is void of any information beyond the applicant's personal information.

f. Email correspondence with the Commander dated 25 March 2020 reference her completion of her IRR packet. Also, in the email the applicant informed the commander and provided documents for her review indicating she would like to opt into the IRR.

g. DA Form 4856 digitally endorsed by the unit's career counselor on 1 April 2020 shows in Part II the applicant is being counseled for her decision to separate from the Army Reserve Troop Program Unit (TPU) and to transfer to the IRR because of cogent personal reasons. DA Form 4856 informed the applicant that her contractual and statutory obligation ends on 22 July 2023, and she was unavailable for signature.

h. A Memorandum for Commander, Subject: IRR Transfer Request for SGT [REDACTED] indicating the applicant is requesting a voluntary reassignment for dependency or hardship from A Company, 378th E-Military Intelligence Battalion to the IRR.

i. Email correspondence with attachments from Army Reserve Administrator dated between 7 May 2020 - 30 June 2020, wherein the applicant queried the status of her

IRR packet. The Army Reserve Administrator provided direction and guidance to the applicant to ensure she was submitting a complete packet.

j. Email Correspondence with Congressional Actions Coordinator dated 8 February 2024 and Digital Privacy Release Form, wherein the Congressional Actions Coordinator acknowledged assisting the applicant with her debt relief case to the Board for consideration.

4. The Defense Finance and Accounting Service (DFAS) email verification dated 23 October 2023 states the applicant has a debt in the Defense Debt Management System that was originally for \$8,788.84 plus interest/penalties/admin fees of \$78.46. \$3,138.76 has been collected towards the debt bringing the current debt balance to \$5,728.54. The applicant's debt in the debt system shows as a recoupment of the unearned portion of her Reserve or National Guard Bonus. The unit reported the applicant unsatisfactorily performed 23 months of her contract.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board noted that the available records show the applicant did not serve satisfactorily for 23 months of her contracted service time. Although the specific details of the enlistment incentive she received are not available, all enlistment incentives require satisfactory performance of duty for the duration of the contracted service period. Soldiers who do not perform satisfactorily are subject to recoupment of the unearned portion of their enlistment incentive. Based on a preponderance of the evidence, the Board determined the debt established for the applicant is not in error or unjust.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

12/8/2024

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. Army Regulation (AR) 140-10 (Assignments, Attachments, Details, and Transfers) provides guidance policies, responsibilities, and procedures to assign, attach, detail, remove, or transfer U.S. Army Reserve (USAR) Soldiers. Chapter 4 prescribes policy and procedures governing the voluntary or involuntary assignment, reassignment, or transfer of a Soldier to and from the various control groups that comprise the IRR.
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 U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.

//NOTHING FOLLOWS//