

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240002206

APPLICANT REQUESTS:

- entitlement to Student Loan Repayment Program (SLRP)
- a personal appearance before the Board

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.), 19 March 2010
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard Service Requirements and Methods of Fulfillment), 19 March 2010
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 Enlisted Loan Repayment Program Addendum Army National Guard of the U.S.), 19 March 2010

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 she enlisted in the Army National Guard (ARNG) in 2010, she elected to be enrolled in the SLRP. However, upon her return from Initial Entry Training, she was reassigned to a unit other than the one that she was originally contracted for. She contests that as a new Soldier in the military, she was unaware of how this would impact her loan repayment incentive and notes that she has done everything that she was supposed to do in accordance with her enlistment contract.
3. A review of the applicant's available service records reflects the following:

a. On 19 March 2010, the applicant enlisted in the ARNG with entitlement to the SLRP and the Montgomery G.I. Bill. The applicant contracted to serve as a 25B (Information Technology Specialist) with the 273rd Military Police Company. NGB Form 600-7-5-R-E, Section V (Termination without Recoupment) provides understanding by the applicant that her eligibility for loan repayment may be terminated if she transferred out of the Critical Unit Identification Code (UIC) or Critical Skill for which the bonus was approved for or failed to maintain assignment in a valid vacant position. The applicant indicated that she had 6 disbursed loans in the amount of \$35,000.00.

b. On or about 21 April 2011, the applicant was reassigned to the 372nd Military Police Battalion.

c. On 4 August 2011, the [REDACTED] ARNG issued Orders Number 216-007 announcing the applicant's award of the 25B military occupational specialty, effective 21 April 2011.

d. On 8 July 2015, the applicant elected to extend her current enlistment in the ARNG by 6 years with entitlement to a \$12,000.00 Reenlistment/Extension Bonus.

e. On 26 March 2019, the applicant elected to extend her current enlistment in the ARNG by 1 year.

4. On 20 September 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion recommending approval of the applicant's request noting that after coordination with the [REDACTED] ARNG it was indicated that the nonpayment of the SLRP incentive was erroneous as the applicant was command directed to a different UIC than her contracted incentive. The applicant is eligible to receive her SLRP incentive payments for approved loans from 2010 – 2016.

5. On 24 September 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 5 November 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 review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the Army National Guard on 19 March 2010. In connection with her enlistment, she and a service representative authenticated a Student Loan Repayment Program (SLRP) Addendum indicating she had six dispersed loans. The applicant's entitlement to the SLRP incentive was

contingent on several factors, including her critical MOS. The Board reviewed the advisory opinion provided by Chief, Special Actions Branch, National Guard Bureau indicating that nonpayment of the SLRP incentive was erroneous as the applicant was command directed to a different UIC than her contracted incentive. The applicant is eligible to receive her SLRP incentive payments for approved loans from 2010 to 2016.

2. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 and Army National Guard records of the individual concerned be corrected by:

- showing the NGB timely received, processed, and approved her Student Loan Repayment Program Addendum
- payment of her loans, up to the maximum authorized, provided all other criteria is met



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
- Enlists in a UIC identified for the SLRP
- Is assigned to a valid position vacancy
- 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 1-11 (Personnel Movement Between ARNG Units) provides that Soldiers enlisted after 1 October 1996, who voluntarily transfer within the State or Interstate transfer for reasons other than in paragraph 1-11 a, will be governed by the following-Continued participation in SLRP requires that the Soldier remain in the MOS in which he/she originally gained eligibility for SLRP and in a valid position in an SLRP identified unit.

b. Chapter 5 (Student Loan Repayment Program) provides that entitlement and eligibility for the SLRP will be terminated when one of the conditions listed below occurs

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- becomes an unsatisfactory participant
- accumulates nine unexcused absences within a 12-month period effective on the date of the ninth unexcused absence

- voluntarily transfers out of the unit and skill for which SLRP was awarded effective the date of transfer
- does not become qualified in and awarded the MOS for their position within 24 months after an involuntary transfer into another skill and unit due to reorganization, relocation, or deactivation, effective on the date of transfer from the contracted MOS

3. Army Regulation 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. 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.

4. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//