

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240002780

APPLICANT REQUESTS: reconsideration of her previous request for remission of Reserve Officers' Training Corps (ROTC) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Soldier Talent Profile
- Ex Parte letter, 30 November 2021
- Memorandum – Subject: Advisory Opinion
- Email communication
- Coast Professional, Inc letter

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210011280 on 15 February 2022.

2. The applicant states in pertinent part that she is currently serving on active duty. The outcome of her previous case advised that her case could be reconsidered after she served for 3-years. Currently her credit is being impacted by two delinquent payments. Debt collections advised her that while serving on active duty, payments towards this ROTC debt are not required. However, after she discontinued making payments, her credit was impacted. She is attempting to repair her credit and approval of this request would greatly assist her in this process.

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

a. On 11 November 2013, the applicant enlisted in the U.S. Army Reserve as an ROTC Cadet with entitlement to a 3-year scholarship. The applicant endorsed DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract) 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 9 April 2015, the applicant was notified that she was being disenrolled from the ROTC program due to her withdrawal from military sciences classes which constituted a breach of the terms of her ROTC contract. The applicant was immediately placed on a leave of absence pending her disenrollment.

c. On or about 18 May 2015, the applicant was disenrolled from the ROTC program due to a breach of contract. The applicant was again advised that when the ROTC scholarship contract is breached, any obligation to the Army must be satisfied by repaying the cost of advanced education assistance provided by the Army. The total amount of monies spent in support of her education was \$58,662.00. The applicant was afforded the option to either pay the total amount in one lump sum payment or to initiate a repayment plan.

d. On 5 January 2021, the applicant enlisted in the Regular Army for 5 years at the rank/grade of specialist (SPC)/E-4.

4. The applicant provided the following a:

a. Soldier Talent Profile, reflective of the applicant's pertinent personnel information to include administrative data, assignment history, civilian and military education etc.

b. Ex Parte letter dated 30 November 2021, reflective of the applicant being provided with a copy of the advisory opinion offered by the Department of the Army, Office of the Deputy Chief of Staff (DCS), G-1. She was afforded 15 days to provide comments.

c. Memorandum – Subject: Advisory Opinion, reflective of the Department of the Army, Office of the DCS, G-1 recommendation for denial of the applicant's submitted request for remission of her ROTC Debt. Typically, a 3-year active-duty service requirement must be completed for debt forgiveness. Therefore, the DCS, G-1 recommended that the applicant submit additional documentation regarding her disenrollment and proof of meeting any required service obligation for debt remission for consideration.

d. Email communication, reflective of communication from the applicant to the previous Board regarding the surrounding circumstances prompting her disenrollment from the ROTC program, later followed by her enlistment in the Regular Army. This document is further provided in its entirety within the supporting documents for the Board member's review.

e. Coast Professional, Inc letter, reflective of the applicant being advised of the attempt to collect a debt (\$88,504.37). The initial principal balance was \$58,662.00, plus \$1,344.68 in interest, \$11,735.50 in penalties and \$16,762.19 in fees.

5. On 15 February 2022, Docket Number AR20210011280 the Board determined that relief was not warranted noting that based upon the terms and conditions outlined within her ROTC contract and the evidence showing that she failed to complete the required terms and conditions, the Board concluded there was insufficient evidence of an error or injustice which would warrant termination of her ROTC debt in the amount of 58,662.00.

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 recommendation from the Office of the Deputy Chief of Staff, G-1, the Board considered the advising official's recommendation to deny relief, citing the requirement of a three-year active-duty service obligation for debt forgiveness. The DCS, G-1 advised that the applicant provide additional documentation regarding her disenrollment and proof of fulfilling any required service obligation for further consideration of debt remission.

2. However, after evaluating the applicant's self-authored statement and her enlistment contract for a five-year term, the Board determined the applicant had met the contractual obligation for debt forgiveness. Furthermore, the applicant remains on active duty at the rank of specialist. Based on the available evidence, the Board concluded that there was sufficient justification to grant relief and reconsider her previous request for remission of Reserve Officers' Training Corps (ROTC) debt. As a result, the Board granted relief of her ROTC debt in the amount of \$88,504.37 for remission.

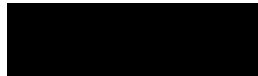
BOARD VOTE:

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 notifying DFAS that the applicant's debt in the amount of \$88,504.37 has been relieved that was established due to her military service



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) 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 recoument of the cost of advanced educational assistance provided by the Army.

2. 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 Active Duty
- is not an ROTC scholarship recipient

3. 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.

//NOTHING FOLLOWS//