

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240002924

APPLICANT REQUESTS: cancellation of Defense Finance and Accounting Service (DFAS) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- Email communication, April, May, and June 2023
- DFAS Military Leave and Earnings Statement (LES), 1-31 December 2023
- DA Form 2142 (Pay Inquiry)

FACTS:

1. The applicant states:

a. He would ask kindly that this debt be canceled. He can find no record of overpayment in his records. In addition, he requested evidence of the overpayment from DFAS debt and claims, and none was provided. He contacted the source of the debt (Fort Sam Houston Finance Office) and they have no record of the debt existing. The debt is now being garnished from his wages unjustly and has placed undo financial hardship on his family on the wake of a deployment. He has attempted to do his due diligence and discovery to identify the source of this debt and its validity and has been unsuccessful.

b. He provides the following timeline of events:

(1) April 2023: initially notified of the debt from the 2017 - 2020 timeframe via mail.

(2) May 2023: Contacted DFAS Debt and Claims over phone to identify the source of the debt; they reported that the debt originated from Fort Sam Houston Finance Office and provided an address. They could not provide any additional supporting evidence related to the debt aside from the total amount.

(3) May 2023: Contacted Fort Sam Houston Finance Office. The administrator looked through multiple data bases and was unable to find any record of a debt existing.

(4) May 2023: After discussions with multiple finance officers at Fort Cavazos, TX, he sent a DA Form 2142 to Mr. C_. The applicant never received a reply. He followed up via email with no reply. He followed up via phone and no answer. Contacted Ms. R_ R_ via email and phone with no reply.

(5) January 2024: Contacted DFAS Debt and Claims again inquiring on next steps as his local finance office has been unresponsive. She [finance official] recommended filing a DD Form 149.

2. A review of the applicant's service records show:

a. On 26 February 2016, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office.

b. His record contains USAREC Form 601-37.28 (Department of the Army Service Agreement - F. Edward Hebert Armed Force Health Professions Scholarship Program (AFHPSP)), dated 26 February 2016, which states, in pertinent part:

(1) He had been accepted for admission to or was enrolled, as a full-time student, in an accredited institution located in the United States or Puerto Rico in a graduate course of study in medicine, osteopathy, or other health profession, designated by The Surgeon General of the Army (TSG), leading to a degree in Doctor of Osteopathic Medicine.

(2) As a program member, he understood that he would be commissioned as an officer in a Reserve Component of the Army and serve on active duty for training in the pay grade O-1 with full pay and allowances of that grade, unless authorized to receive a pay rate in excess of the rate of the basic pay as an O-1 based on former grade and years of service, for a period up to 45 days during each 12-month period of program participation. This active duty for training ordinarily will be at a military installation but may be at the accredited civilian institution he was attending, if to be detailed elsewhere would interrupt his academic training, as verified by a school official responsible for the academic program as a degree qualifying requirement in his course of study and approved by TSG.

(3) He specifically acknowledged that he must comply with active duty for training (ADT) orders and that he was not authorized to: drive more than 350 miles one way from his school to an ADT site; travel without orders, on revoked or verbal orders, or prior to the effective date on his orders; or perform other restricted activities prescribed in existing regulatory and medical education policy guidance.

(4) Except when serving on active duty for training, pursuant to paragraph 20a of this agreement, he would receive a stipend at the rate established by law. He understood that payment of such stipend commences on the latest date that all of the following conditions are satisfied: his oath of office has been executed, this Service Agreement has been executed, and he has commenced the academic curriculum.

(5) Payment of entitlements was based on the number of academic years for which the scholarship is awarded and is not based on the length of calendar years of participation. He understood that entitlements are not authorized and students are liable for actions or periods: involving over payment of entitlements; following licensure examination failure; preceding eligibility or following loss of eligibility for military service or the program; during participation in a preparatory or decelerated academic curriculum; Involving loss of full-time student status; unauthorized payment or reimbursement for courses or expenses that are not in the designated health care degree curriculum, remediated, or not required for graduation; during leaves of absence or as otherwise prescribed in regulatory, medical education policy and as indicated herein.

c. On 19 July 2017, the U.S. Army Human Resources Command (HRC) published Orders Number T-07-707060, which ordered the applicant to ADT for 45 days with a report date to Campbell University, Buies Creek, NC, on 17 August 2017. The purpose shows "HPSP" (Health Professions Scholarship Program).

d. On 6 August 2018, HRC published Orders Number T-08-820055, which ordered the applicant to ADT for 45 days with a report date to Campbell University on 17 August 2018. The purpose shows HPSP.

e. On 7 June 2019, HRC published Orders Number T-06-922058, which ordered the applicant to ADT for 45 days with a report date to San Antonio Military Medical Center, Fort Sam Houston, TX, on 28 July 2019. On or about 24 August 2019, he would proceed to Campbell University. The purpose shows HPSP.

f. On 16 January 2020, HRC published Orders Number T-01-000592, which ordered the applicant to ADT for 45 days with a report date to Campbell University on 23 February 2020. The purpose shows HPSP.

g. In May 2020, Campbell University, Jerry M. Wallace School of Osteopathic Medicine transcripts show he earned his Doctor of Osteopathic Medicine degree.

h. On 1 June 2020, DA Form 71 shows he was appointed in the Regular Army Medical Corps, in the rank/grade of captain/O-3, and executed his oath of office.

i. On or about 21 July 2021, an Active Army Component Health Professions Officer (HPO) Incentive Pay (IP) agreement shows he was approved for HPO IP at a rate of \$8,000.00, a year, paid on a prorated monthly basis. Any previous IP would be stopped, and any overlapping payments would be adjusted and recouped as necessary. His specialty and Area of Concentration was shown as "Emergency Medicine (AT) - Emergency Physician (62A)."

j. On 1 September 2023, the applicant completed Army Medical Department Basic Officer Leader Course Common Core.

k. He is currently serving on active duty.

3. The applicant provides:

a. Email communication, dated April, May, and June 2023, showing him discussing with Mr. C_ and Mrs. R_ (Medical Command), a debt letter he received from DFAS in the amount of \$8,351.79 from when he was in HPSP back in the 2017-2020 timeframe. He was told by DFAS debt agents he would be sent to collections if he did not pay this debt which had put undue hardship on his family financially. He requested to dispute the debt. The applicant also attached his closed ticket from DFAS debt and claims stating his debt was sent to collections.

b. DFAS Military LES, period covered 1-31 December 2023, which shows a miscellaneous debt deduction in the amount of \$300.00, total debt of \$8,159.00, and balance of \$6,659.00.

c. DA Form 2142 stating he received a debt letter from DFAS in the amount of \$8,351.79 from when he was in HPSP between the 2017-2020 timeframe. He contacted DFAS and the finance office at Fort Sam Houston where the debt allegedly originated from, and they have no record of the debt existing. DFAS was unable to provide him any evidence or substantiating documents of the overpayment. He was a resident at Darnall Army Medical Center and a part of C Company student detachment. He would provide the debt collection letter he received. He did not agree with the debt and would like to dispute it.

4. On 6 September 2024, the Supervisor, Correction of Records/Claims, Debt and Claims Management DFAS responded to an Army Review Boards Agency request for information regarding the applicant's debt and stated:

a. The applicant has a debt in our "Defense Debt Management System (DDMS)" that was originally for \$8,351.79 plus interest/penalties/admin fees of \$46.43. An amount of \$3,539.22 has been collected towards the debt bringing the current debt balance to \$4,859.00.

b. The debt balance of \$4,859.00 has been referred to the Treasury Offset Program (TOP) for collection. The member may owe more than the debt of \$4,859.00 as "TOP" may have additional penalties/fees. There is no debt documentation as the debt interfaced to our DDMS system. The member's debt in the debt system is reported as overpayment of "Stipend-HPIP/FAP" [Health Professions Incentive Pay/Financial Assistance Program] from 17 August 2017 to 15 September 2017, 17 August 2018 to 30 September 2018, 29 July 2019 to 11 September 2019 and 8 April 2020 to 8 April 2020.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. Upon review of the applicant's available military records, the Board found the applicant was overpaid an incentive pay and acknowledged his overpayment. The Board noted the Defense Finance and Accounting Service debt confirmation and found no supporting evidence submitted by the applicant to support granting relief. Based on this the Board determined relief was not warranted and denied relief.

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.

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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) 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
2. Title 31, U.S. Code (USC), section 3720D - Garnishment Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.
3. 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 Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. In accordance with the authority of Title 10, U.S. Code (USC), section 7837 and/or Title 32, USC section 710(c), 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.
4. Title 10, USC, section 7837 (Settlement of accounts: remission or cancellation of indebtedness of members) states, the Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Army, whether as a Regular or a Reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.

//NOTHING FOLLOWS//