

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240003081

APPLICANT REQUESTS: in effect, cancellation, remission, or to waive her Reserve Officers' Training Corps (ROTC) debt in lieu of service.

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 United States), 9 June 2016
- Orders Number 011-001, 11 January 2018
- DA Form 3340 (Request for Continued Service in the Regular Army), 7 April 2019
- DA Form 3286-79 (Statements for Reenlistment), 7 April 2019
- DD Form 4, 7 April 2019
- DA Form 2166-9-1 (NCO Evaluation Report (NCOER) Sergeant (SGT), 16 August 2021
- DA Form 2166-9-2 (NCOER (Staff Sergeant (SSG)-First Sergeant (1SG)/Master Sergeant (MSG)), 16 August 2022
- Enlisted Record Brief, 20 November 2022
- Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES), 1-31 May 2023
- DFAS Military LES, 15 June 2023
- Soldier Talent Profile, 15 June 2023

FACTS:

1. The applicant states she served in lieu of debt repayment, which was two years active and currently has served 7 years total Active Duty. She was told by a different chain of command that the forms were sent in on numerous occasions. She was not aware that the Board never received such until she started receiving the letter with amount total due at her current address.

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

a. She enlisted in the U.S. Army Reserve (USAR) as a Cadet on 12 January 2015.

b. On or about 5 February 2015, DA Form 597-3 (Army Senior ROTC (SROTC) Scholarship Cadet Contract) shows she enrolled in the Auburn University Montgomery ROTC program. In pertinent part, it states:

(1) She agreed to maintain, at a minimum, a cumulative academic grade point average of 2.0 on a 4.0 or equivalent scale. This grade point average must also be maintained for each semester or quarter. She understood and agreed that failure to maintain the minimum academic grade point average may subject her to disenrollment from the ROTC program.

(2) Under the terms of this contract, the Secretary of the Army or his or her designee, may order her to active duty as an enlisted Soldier, if she was qualified, for a period of not more than four years if she failed to complete the ROTC program. If she was disenrolled after the point of obligation, she may be ordered to active duty based upon the year during which her disenrollment was initiated.

(3) If she was disenrolled from ROTC, she understood the Secretary of the Army, or his or her designee, retained the prerogative to either order her to active duty or order monetary repayment of her scholarship benefits. Therefore, if she was required to repay her advanced educational assistance under the terms of this contract, her subsequent enlistment in an Armed Service will not relieve her from her repayment obligation.

c. On 21 January 2016, the Auburn University-Montgomery, Professor of Military Science (PMS) notified the applicant that he was initiating her disenrollment from the ROTC program under the provisions of Army Regulation (AR) 145-1 (Senior ROTC Program: Organization, Administration and Training), paragraph 3-43a(6), based on the applicant's failure to maintain a minimum semester academic grade point average of 2.0 on a 4.0 scale which constituted, either individually or collectively, a breach of the terms of her SROTC contract with the U.S. Army. As a consequence, effectively immediately, the applicant was placed on leave of absence pending disenrollment. The applicant acknowledged receipt of the notification and declined a delayed and expedited call to duty. She also waived her rights.

d. The applicant's chain of command recommended approval of her disenrollment from the ROTC program and further recommended she enter Active Duty as an enlisted Soldier in lieu of monetary repayment.

e. On 10 April 2016, the applicant was disenrolled from the ROTC program due to her failure to maintain a minimum semester academic grade point average of 2.0 on a

4.0 scale. 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 \$6,318.00. A U.S. Army Advanced Education Financial Assistance Record (DA Form 5315-E) detailing the debt was provided to the applicant. She was also advised of the requirement to repay the ROTC debt and was afforded the option to repay the monies in a lump sum payment or to establish a payment plan.

f. On 8 June 2016, Auburn University Montgomery published Orders Number 206-01, which released the applicant from the U.S. Army Control Group (ROTC) Auburn University Montgomery, Army ROTC, Montgomery, AL, effective 10 April 2016.

g. On 9 June 2016, she enlisted in the Regular Army in the pay grade of E-2 for 3 years and 20 weeks.

h. On 7 April 2019, DD Form 4 shows she reenlisted for 5 years. In connection with this reenlistment, she completed and signed DA Form 4789 (Statement of Entitlement to Retention Incentive), which shows she agreed to accept an incentive in the amount of \$17,300.00 for Additional Obligated Service from 27 October 2019 to 6 April 2024.

i. On 6 April 2024, the applicant was honorably discharged/released from active duty and was transferred to her USAR unit in Alabama. She completed 7 years, 9 months, and 28 days of active service. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in:

- item 4a (Grade, Rate or Rank) – SSG
- item 18 (Remarks) – she served in Poland from 27 January to 10 October 2017 and Kuwait from 18 February to 1 October 2019

3. The applicant provides:

a. Orders Number 011-001 dated 11 January 2018, showing she was awarded the Army Good Conduct Medal (1st Award) for the period of 12 January 2015 to 11 January 2018.

b. DA Form 3340 dated 7 April 2019, which shows she was approved to reenlist.

c. DA Form 3286-79 dated 7 April 2019, which shows she reenlisted for overseas assignment to Korea.

d. DA Form 2166-9-1, which shows she received an extended annual NCOER covering the period 22 July 2020 through 16 August 2021, and received favorable ratings.

e. DA Form 2166-9-2, which shows she received an annual NCOER covering the period 17 August 2021 through 16 August 2022, and received favorable ratings.

f. Enlisted Record Brief dated 20 November 2022, showing her assignment information, service data, military education, awards, and decorations.

g. DFAS Military LES, period covered 1-31 May 2023, which shows, in pertinent part, a total indebtedness in the amount of \$7,205.91.

h. DFAS Military LES dated 15 June 2023, showing her net pay.

i. Soldier Talent Profile dated 15 June 2023, which shows her basic, readiness, skills, experience and knowledge data.

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. Upon review of the applicant's petition and available military records, the Board concluded the applicant was disenrolled from the ROTC program due to her failure to maintain a minimum semester academic grade point average of 2.0 on a 4.0 scale. The applicant was advised of her requirement to repay her educational debt.

2. The Board determined the applicant enlisted in the Regular Army on 9 June 2016 and was honorably discharged on 6 April 2024, completing 7 years, 9 months, and 28 days of active service. The Board concluded the applicant performed a sufficient period of active duty service in order to remit her ROTC program debt and therefore granted relief.

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 \$7,205.91 has been relieved that was established due to her military service.

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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. AR 145-1 (Senior ROTC Program: Organization, Administration and Training) prescribes policies and general procedures for administering the Army's Senior Reserve Officers' Training Corps Program. It 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.

a. Cadets assigned to the USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government for termination of a scholarship.

b. Cadets assigned to the 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 3-43 (Disenrollment Criteria) subparagraph a(6) provides that non-scholarship and scholarship cadets will be disenrolled for failure to maintain a minimum semester or quarter cumulative academic GPA [grade point average] of 2.0 on a 4.0 scale or higher if required by the school and at least a 3.0 on a 4.0 scale or equivalent semester or quarter and cumulative average in all ROTC courses.

e. Paragraph 3-44 (Discharge and Separation from the USAR) provides that cadets called to active duty for breach of the terms of their ROTC contract will serve periods of active duty as specified in their contract.

2. Title 10, United States Code (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 military occupational specialty (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.

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.

5. 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.

//NOTHING FOLLOWS//