

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240003253

APPLICANT REQUESTS: payment of his Student Loan Repayment Program (SLRP)

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) with enclosure
- NGB Form 600-7-5-R-E (SLRP Addendum)
- Guard Incentive Management System (GIMS)History
- DD Form 2475 (Department of Defense (DoD) Education Loan Program Annual Application)
- Memorandum Notification of Closed Year Payment Request to National Guard Bureau (NGB)
- Memorandum Request for Close Year Payment Consideration
- Memorandum Checklist for Close Year Payment Consideration
- California Closed Fiscal Year (FY) Payment Request
- Student Loan Information
- Army Board for Correction of Military Records (ABCMR) Requirement
- Self-Authored Emails

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the 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 the remainder of his SLRP was never paid. He has been trying for years to have his loans paid. The bonus needs to be paid as he has completed his part of the bonus contract and has retired. There was an audit conducted in his states military department that discovered many bonuses have not been paid and now they have the proper paperwork for proof. The paperwork will show the remainder of the bonus and the contract to fix the error.

3. The applicant provides the following documents:

- a. GIMS History printouts, 5 September 2012 and 29 January 2016, which show the status of his SLRP contract and are available for the Board's review.
- b. DD Form 2475 (DoD Educational Loan Program Annual Application), 15 November 2016 shows the applicant was requesting payment of his student loans. The original loan amount was \$31,890.40, the unpaid principal balance was \$27,357.44 with an outstanding balance of \$27,736.77.
- c. Memorandum Notification of Closed Year Payment Request to NGB, 26 April 2017, states in pertinent part, (1) reason for submission beyond fiscal restraints: payments were late due to pending ETP disposition and (2) he would like to submit the memorandum as his signed servicemember request for payment to the CAARNG States Incentives Manager. He understands submission of the request does not guarantee payment, as payments for closed year submissions are subject to current FY funds availability and approval through the NGB.
- d. Memorandum Request for Closed Year Payment Consideration from the California Army National Guard (CAARNG) G1, 28 February 2018, states in pertinent part, eligibility was verified on date of entitlement. She requests the applicant's closed year incentives payment approval for FY 07-12. He submitted an annual SLRP payment packet to his unit readiness noncommissioned officer, but due to lack in training for FY 07-12 they were not paid because he needed an exception to policy (ETP) request for administrative errors in his record, which no one knew how to complete. The ETP was finally requested and approved. Lateness in payment request is due to State Incentive Office error.
- e. California Closed FY Payment Request, 9 April 2018, shows the applicant was authorized SLRP payments in the amount of \$3,000 for FY 2009, 2010, 2011, and 2012, which were not received.
- f. The applicant's student loan information, which is available for the Board's review.
- g. Memorandum ABCMR Requirement, 27 April 2021, states he attached an ABCMR Soldier statement and believes he should retain the incentive and payments no later than the suspense date provided. The entire memorandum is available for the Board's review.
- h. Self-authored emails, 22 July 2024 and 19 September 2024, wherein the applicant was ensuring his application was received and informing the ABCMR he had retired from the CAARNG and had not received his SLRP payments.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the ARNG on 5 May 1997. He remained in the ARNG through oaths of extension of his enlistment/reenlistment.

b. DA Form 4836 (Oath of Extension of Enlistment/Reenlistment) shows he extended his enlistment in the ARNG on 10 February 2006.

c. NGB Form 600-7-5-R-E (SLRP Addendum), 10 February 2006, states, in pertinent part, he is a prior service applicant who has served the last 3 consecutive years in the ARNG, he has one existing loan in the amount of \$20,000. The total amount of repayment will not exceed \$20,000. He has not previously received the SLRP for service in the Selected Reserve. The portion that may be repaid annually on any qualifying loan(s) will not exceed 15 percent (not to exceed \$3,000 per year) of the total of all loans or \$500, whichever is greater. Payment will be processed on the anniversary date of his enlistment for each satisfactory year of service. The entire addendum is available for the Board's review.

d. Memorandum Notification of Eligibility of Retired Pay for Non-Regular Service (20 Years), 2 June 2017 informed him he has completed the required years of service and will be eligible for retired pay, upon his application, at age 60.

e. The applicant's service record is void of information regarding payment of his SLRP and orders or an NGB Form 22 (Report of Separation and Record of Service) showing he retired or separated from the CAARNG.

5. A letter from the ABCMR, 17 March 2022, regarding ABCMR Docket Number AR20210010948 states his application for payment of his SLRP was closed because there was no evidence he exhausted all administrative remedies. He had not contacted the commander of the CAARNG or the Commander of NGB.

6. On 21 January 2025, the Chief, Special Actions Branch, NGB provided an advisory opinion, which states:

a. The applicant requests that the CAARNG review the circumstances that led to nonpayment of his initial payment of his SLRP bonus incentive. NGB recommended approval of his request.

b. He signed a six-year enlistment with the CAARNG on 10 February 2006. He had one qualifying loan in the amount of \$20,000 for the SLRP, at the time, and was eligible to receive the incentive based on the guidance of the ARNG Selected Reserve Incentive Program for FY 2006, which was in effect, at the time.

c. He states in his ABCMR claim that his SLRP bonus incentive was never paid out, even though he completed his contract obligation. He also states that the reason for nonpayment was unknown to him, and that he has tried for several years to correct this error but has been unsuccessful.

d. A review of his training records and the GIMS show his bonus was placed on hold pending an ETP decision. The CAARNG Incentives Office also did a review of his claim and found his incentive had been placed on hold because the SLRP addendum was missing the enlisting official's signature and date, but that an ETP had been approved for issue. Additionally, the addendum was missing his unit identification code, military occupational specialty, number of loans, and loans disbursed amount.

e. It is the recommendation of NGB that his SLRP incentive payment be initiated. The CAARNG Incentives Office reviewed his claim and found no reason for the nonpayment and therefore recommends he is fully eligible to receive his SLRP incentive payment.

f. The opinion was coordinated with the CAARNG Incentive section.

6. On 29 January 2025, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts and recommendation outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting payment of his Student Loan Repayment Program (SLRP) benefit.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by paying any remaining qualifying Student Loan Repayment loans on behalf of the applicant.

//SIGNED//
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. Title 10, U.S. Code, 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. Army Regulation 601-210 (Active and Reserve Components Enlistment Program) provides that if the Soldier is authorized to continue under the SLRP, a new DA Form 5261-4-R (Student Loan Repayment Program Addendum) or NGR 600-7-5-R-E must be prepared; however, this act does not create a new entitlement, but continues the Soldier in the existing entitlement amount as listed on the original contract. The new document will be prepared in the gaining unit.

3. Army Regulation 135-7 (Incentive Programs), restricts the SLRP to those Reservists who either enlist, reenlist, or extend for a skill or unit approved by the Department of the Army and disseminated to the field by a list of MOSs and units, which is updated every 6 months. This educational incentive may only be elected at the time of enlistment, reenlistment, or extension, and a SLRP Addendum must be executed at that time. To be eligible for the SLRP incentive, a person must contractually obligate himself/herself to serve satisfactorily, must serve in a Reserve unit for a full term of the contractual agreement, and must further obligate himself or herself to continue to serve in the same component and the same MOS unless excused for the convenience of the Government. Each completed satisfactory year of service performed under this SLRP agreement establishes an anniversary date. Any qualifying loan that is at least 1-year old may then be paid in accordance with the terms of this educational enlistment incentive. Loan

repayment up to \$10,000.00 is offered to a Soldier who contracts for an MOS that has been authorized by HQDA for the SLRP incentive. There are no provisions to reinstate an incentive after it is terminated for cause. A Soldier's eligibility for incentives or entitlements based on Selected Reserve service will terminate on release from the Selected Reserve.

//NOTHING FOLLOWS//