

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240003474

APPLICANT REQUESTS: remission of Service Members Group Life Insurance (SGLI) debt.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states in pertinent part that he was released from active duty prior to entering Basic Combat Training. However, SGLI premiums (\$397.80) were paid on his behalf with compounded interest and fees totaling \$1,426.66. The applicant notes that there were several problems with his military records alluding to him having remained in the military. He was in the military for approximately a week and received pay and entitlements accordingly. He was later advised of the debt by way of a collection notice, but he was unaware of the debt prior to. He contests that the requirement to repay any sum is unjust as he did not receive a salary in 2019.

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

a. On 1 April 2019, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years.

b. On 16 April 2019, the Military Entrance Processing Station issued Orders Number 9133022 ordering the applicant to initial active duty for training with a 13 May 2019 reporting date.

c. On 13 May 2019, the applicant entered active duty.

d. On 24 May 2019, the applicant was released from active duty.

e. On 27 January 2021, Headquarters, 455th Chemical Brigade Headquarters issued Orders Number 21-027-00002 reassigning the applicant to another Troop Program Unit, effective 28 January 2021.

f. On 1 May 2023, DA Form 5016 (Retirement Accounting Statement) was constructed reflective of the applicant's qualifying service performed between April 2019 and April 2023. During the period of 2 April 2019 – 1 April 2020, the applicant completed 12 days of active-duty service. During the period of 2 April 2020 – 1 April 2021, the applicant completed 4 days of Inactive Duty Training.

g. On 3 May 2023, the Department of the Army issued Orders Number 4629474 involuntarily separating the applicant from the USAR, effective 26 April 2023; Assignment Loss Reason "PE – Pre-Initial Active Duty Training Discharge"; Separation Program Designator "JGA – Entry Level Performance and Conduct."

3. On 6 September 2024, the Defense Finance and Accounting Service provided that the applicant had an initial debt of \$1,426.66, plus interest/penalties/fees of \$40.47. The applicant's debt in the debt system was reported as collection of SGLI premiums paid on his behalf. These premiums were paid because the applicant had an active payroll account that was not separated until recently by the prior unit/finance office. Also, the debt in the system was reported for recoupment of pay and allowances for the period of 25 May 2019 – 30 May 2019 which was after he was released from active duty on 24 May 2019. The SGLI debt is for the period of November 2019 to April 2023. To date, \$1,455.68 has been collected towards the debt and \$11.45 in interest, penalties and fees has been written off. The applicant does not have a remaining balance.

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 review of the applicant's petition, available military records and DFAS correspondence, the Board determined applicant initially incurred a debt of \$1,426.66, along with \$40.47 in interest, penalties, and fees. According to the debt system, this amount was reported as a collection of SGLI premiums paid on his behalf, as his active payroll account remained open until recently due to administrative delays by the prior unit/finance office.

2. In addition, the debt included recoupment of pay and allowances for the period of May 25, 2019, to May 30, 2019, following his release from active duty on May 24, 2019. The Board noted the SGLI debt covered the period from November 2019 to April 2023. The DFAS record shows, \$1,455.68 has been collected toward this debt, with \$11.45 in interest, penalties, and fees written off. As a result, the applicant no longer carries a remaining balance. Based on this, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	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 the Army records of the individual concerned be corrected to show remission of Service Members Group Life Insurance (SGLI) debt.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 (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.
2. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, 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. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.

3. The Defense Finance and Accounting Services provides that Reserve and Guard Members who are drilling for points, but not pay, are covered by Servicemembers' Group Life Insurance (SGLI). When their coverage is in effect depends on their status. For example, members who are assigned to a unit and scheduled to drill at least 12 times per year have 24/7 SGLI coverage until 120 days after separation or release from duty. Regardless of whether they are covered full-time or part-time, if members are drilling for points and not pay, they are still responsible for paying SGLI premiums.

//NOTHING FOLLOWS//