ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [redacted]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240004040

APPLICANT REQUESTS: entitlement to loan repayment under the Student Loan Repayment Program (SLRP) incentive for Fiscal Year (FY) 2018.

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 U.S.), 8 December 2016 – reflective of the applicant's enlistment in the Army National Guard (ARNG) for 8 years
- DA Form 5435 (Statement of Understanding the Selective Reserve Montgomery GI Bill (MGIB)), reflective of the applicant's service obligation associated with his entitlement to the MGIB
- Court Order – reflective of the applicant's legal name change, effective 24 January 2020 from C_M_ to W_J_
- Memorandum – Subject: ARNG SLRP Title IV Student Loan Approval, 6 December 2016 – reflective of the applicant's declaration and preapproval of nine (9) qualifying student loans totaling $11,667.00
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum ARNG), 8 December 2016 – reflective of the applicant's enrollment in the SLRP
- NGB Form 22 (Report of Separation and Record of Service) – reflective of the applicant's service in the ARNG from 8 December 2016 – 24 April 2023
- Annex K to DD Form 4 MGIB Selected Reserve (MGIB-SR) Kicker Addendum, the ARNG), 8 December 2012 – reflective of the applicant's entitlement to the MGIB-SR Kicker
- Memorandum – Subject: Out of Service Claims Packet, SLRP, 27 February 2024 – reflective of the applicant being referred to this Board noting that his student loans were in a default status from 23 November 2019 to 23 December 2023; per the FY17 SRIP Policy and the Soldier's FY17 SLRP, loans cannot be processed while in a default status but can be processed upon return to an active status

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 Army Board for Correction of Military Records (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 in part he:

- Recently discovered his student loans were not paid in accordance with his enlistment contract
- He enlisted in the ARNG on 8 December 2016 with enrollment in the SLRP
- Each year upon reaching his anniversary date, he completed a DD Form 2475 (DoD Educational Loan Repayment Program Annual Application) requesting loan repayment
- He was discharged from the ARNG on 24 April 2023; he believed his loan repayments were in order, however, post discharge he realized there was a discrepancy in FY18; payment was not made by the Army
- He is currently providing loan repayment from his personal account

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

- On 8 December 2016 – he enlisted in the ARNG for 8 years with entitlement to the MGIB-SR, MGIB Kicker and enrollment in the SLRP; NGB Form 600-7-5-R-E, Section III (SLRP Payment) provides he understood the SLRP anniversary payment is not processed automatically; loans in default will not be processed
- On 17 May 2022 - he elected to extend his enlistment by 1 year resulting in a 7 December 2023 expiration term of service date
- On 9 February 2023 – a physical evaluation board convened finding the applicant physically unfit for continued military service; recommended for medical separation
- On 27 June 2023 (Orders Number 5195882) – he was medically discharged from military service, effective 24 April 2023
- On 24 April 2023 – he was medically discharged from military service

4. On 24 January 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that a review of his training records and the Guard Incentives Management System provided no reason on why his student loans for FY18 thru FY23 were not paid, but did reflect that as recently as 10 April 2024, all payments had been made except for FY18. The WAARNG did conduct their own review of the applicant's claim and concluded that he did submit all necessary documentation to pay his loans, however the State incentive manager

discovered that all his loans were in default, and the ARNG could not process SLRP payments until the loans are out of default and in good standing. He was unable to bring the loans back to an active status before the FY18 payment year closed. The WAARNG G1 notified the applicant of the requirement to submit a request approval for use of close year funds.

5. On 4 February 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. He did not respond.

BOARD DISCUSSION:

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 evidence shows the applicant enlisted in the ARNG on 8 December 2016 with enrollment in the student loan repayment program ($50,000). The Board reviewed the National Guard Bureau advisory opinion and concurred the applicant enlisted for 6 years with entitlement to the student loan repayment program. No reason was established as to why the applicant's FY18 SLRP payment was not disbursed. Therefore, the Board granted full relief for the terms of his SLRP contract and disbursement of the FY18 payment using closed year funds.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
:XX	:XX	:XX	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 and Army National Guard records of the individual concerned be corrected by:

- showing the applicant timely submitted an exception to the National Guard Bureau (NGB) for payment of his authorized loans, based on his 8 December 2016 Student Loan Repayment Program Addendum
- showing the NGB timely received, processed, and approved his exception to policy
- payment of his loans, up to the maximum authorized, provided all other criteria is met

X //signed//

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. National Guard Regulation 600-7 (Selected Reserve Incentive Program (SRIP)) Chapter 5 (Student Loan Repayment Program) provides that Public Law 99-145, section 671(a)(1), and Title 10 USC 16301 authorizes the education loan repayment program for qualified members of Selected Reserve (SELRES) enlisted personnel with loans made, insured, or guaranteed under part B of Title IV of the Higher Education Act of 1965 (Title 20 USC 1071), any loan made under part D of such title (Title 20 USC 1087) or any loan made under part E of such title (Title 20 USC 1087). The SLRP is offered to Non-Prior Service or Prior Service personnel. In addition to general SLRP eligibility requirements, members must also meet the following criteria:

- Enlist for a minimum of 6 years
- Have existing loans at the time of their enlistment
- Meet the current Armed Forces Qualification Test requirements
- Have not previously received the SLRP
- Be preapproved from the ARNG incentive management system in accordance with the current FY SRIP policy
- Completes a Student Loan Repayment Addendum (NGB Form 600-7-5-R-E) as part of the enlistment contract

a. Paragraph 1-20 (Incentive Payments) provides payment procedures and schedules are prescribed in this regulation. ARNG policy requires that the unit commander or other designated individuals will initiate the forms for payment immediately upon notice of the Soldier's entitlement and submit them to the State Incentive Manager for processing through the incentive management system for payment. The unit commander must ensure that Soldiers are counseled when they enlist, reenlist/extend, affiliate, commission or appoint for an incentive that they will not receive payments immediately. Payments will only be processed through personnel and pay channels for payment upon verification of all required contractual documentation.

b. Paragraph 1-28 (Claims Requiring ABCMR Determination) provides that current and former Service Members of the ARNG may apply for a correction of error or injustice involving the correction or amendment of dates or terms of service in enlistment, accession, affiliation, reenlistment/extension, commission or appointment incentive agreements. Public law requires that a request for correction of military records is submitted within 3 years after the error or injustice occurs, or within 3 years after discovering the error or injustice.

3. Title 31, U.S. Code, section 3702, is the 6-year barring statute for payment of claims by the government. In essence, if an individual brings a claim against the government for monetary relief, the barring statute says that the government is only obligated to pay the individual 6 years from the date of approval of the claim. Attacks to the barring statute have resulted in litigation in the U.S. Court of Federal Claims. In the case of Pride versus the United States, the court held that the Board for Correction of Military Records (BCMR) is not bound by the barring act, that the BCMR decision creates a new entitlement to payment and the 6 years starts running over again, and that payment is automatic and not discretionary when a BCMR decision creates an entitlement.

//NOTHING FOLLOWS//