

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240004314

APPLICANT REQUESTS: entitlement to payment under the Student Loan Repayment Program (SLRP) incentive.

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

- DD Form 149 (Application for Correction of Military Record)
- Loan Repayment Details
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 28 March 2024
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 24 May 2006
- DD Form 1966/1 (Record of Military Processing – Armed Forces of the U.S.), 24 May 2006
- Reserves Annex (Certificate and Acknowledgement U.S. Army Reserve Service Requirements and Methods of Fulfillment), 24 May 2006
- DA Form 5261 (Selected Reserve Incentive Program – Enlistment Bonus Addendum), 24 May 2006
- DA Form 5261-4 (SLRP Addendum), 24 May 2006
- DA Form 5435-1 (Statement of Understanding – the Selected Reserve Montgomery G.I. Bill Kicker Program (10 United States Code (USC) 16131)), 24 May 2006
- DA Form 5435 (Statement of Understanding the Montgomery G.I. Bill Selected Reserve), 24 May 2006
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard (ARNG) Service Requirements and Methods of Fulfillment), 29 March 2021

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, USC, 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 pertinent part that she has never received loan repayment per her initial enlistment contract in 2006. She contests that she is ineligible for the SLRP while reenlisting in the ARNG due to her previous SLRP contract that was never granted.

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

a. On 24 May 2006, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years to serve as a 38B (Civil Affairs Specialist) with entitlement to the SLRP (\$20,000.00), Non-Prior Service Enlistment Bonus (\$12,000.00), Montgomery G.I. Bill (MGIB) and MGIB Kicker (\$350.00). DA Form 5261-4, Section 5 (Entitlement) provides that repayment of qualifying student loans will be made after each year of satisfactory service in the Selected Reserve after securing the student loans and reaching the anniversary date of this agreement. Qualifying educational loans made by the applicant while a member of the Selected Reserve during this contractual period of service will be repaid in part under this incentive. Repayment of student loans by the government is not automatic under the terms of this addendum. The applicant acknowledged that it was her responsibility to initiate the request for loan repayment each year that she met the requirements explained in the addendum, by completing DD Form 2475 (Department of Defense Educational Loan Repayment Program Annual Application) and submitting it to personnel officials in her command. Loan repayments will only be made to the lender; nothing in the agreement will be construed as authority to refund any repayment of a loan. Section VII (Termination) provides that the terms of the addendum will remain in force as long as the applicant continued to participate satisfactorily under the contractual agreement. Entitlement to the SLRP would terminate if the applicant transferred between the USAR and the ARNG, unless the Chief of the ARNG authorizes continued entitlement at the time of enlistment in the ARNG.

b. On 28 June 2012, Headquarters, 99th Regional Support Command issued Orders Number 12-180-00019 reassigning the applicant to the USAR Control Group (Reinforcement), effective 27 July 2012.

c. On 29 March 2021, the applicant enlisted in the ARNG for 3 years with entitlement to the MGIB.

d. On 28 March 2024, the applicant was honorably discharged from the ARNG.

4. The applicant provides the following a:

a. Loan Repayment Details reflective of the applicant having two Student Loans totaling \$3,500.00 disbursed between October 2010 and January 2011.

b. DD Form 1966/1 dated 24 May 2006, reflective of the administrative data utilized during the applicant's enlistment in the USAR.

c. Reserves Annex dated 24 May 2006, reflective of the service obligations and methods of fulfilling that obligation within the USAR.

5. On 9 September 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that after review of her submission and coordination with the NYARNG, the NGB was unable to determine if the applicant received her SLRP incentive per her 2006 USAR contract. The applicant enlisted in the NYARNG on 12 April 2021, she was ineligible to receive the SLRP benefit per National Guard Regulation (NGR) 600-7 (Selected Reserve Incentive Program (SRIP)), Section VII paragraph 2-24, "Soldiers who have previously contracted for SLRP and have completed the contract term in the Selected Reserve (SELRES) are not authorized another SLRP."

6. On 22 October 2024, Headquarters, U.S. Army Reserve Command, Director Resource Management, provided an advisory opinion noting that the applicant received a loan for \$1,337.92 from Great Lakes on 11 December 2009, which became eligible for repayment on 11 December 2010, along with two additional loans taken on 19 October 2010 and 11 January 2011. Over three years, she received \$2,361.89 in SLRP payments, leaving her with a remaining loan balance of \$17,638.11. However, after transitioning to the ARNG on 26 July 2012 [sic], she became ineligible for further SLRP benefits from the USAR. Army Regulation (AR) 601-210 (Active and Reserve Components Enlistment Program), Chapter 10 (4) and (5) outlines the criteria for a Soldier transferring from the USAR to the ARNG to retain SLRP incentives. The National Guard Loan Repayment team would have to analyze the applicant's circumstances to determine if she is eligible to continue receiving incentives.

7. On 6 November 2024, the applicant was provided with a copy of the advisory opinions and afforded 15 days to provide comments. As of 21 November 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the findings and recommendation outlined in the NGB advisory opinion and the lack of any rebuttal of those findings and recommendations submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

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.

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, USC, 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. AR 135-7 (Incentive Programs) prescribes policies and procedures for the administration of the Army National Guard (ARNGUS) and the United States Army Reserve (USAR) incentive programs. Chapter 5 (Student Loan Repayment Program (SLRP)) gives guidance for the administration of the SLRP. Selection of the SLRP incentive and execution of DA Form 5261-4-R (SLRP Addendum) must be made by the person when he or she signs a Selected Reserve contractual agreement. The applicant may select the SLRP incentive even though he or she has no outstanding loan

when signing the contractual agreement (see para 5.1–10). A Selected Reserve contractual agreement is executed when a person enlists, reenlists, immediately reenlists, or extends in the Selected Reserve of the Army.

a. Commanders will ensure that Soldiers initiate the request for loan(s) repayment during each year the Soldier meets the requirements cited on DA Form 5261–4–R by completing DD Form 2475 (DOD Educational Loan Repayment Program (LRP) Annual Application) and submitting it to the personnel officials of his or her assigned command.

b. To be eligible for the SLRP incentive, a person must contractually obligate himself or herself to serve satisfactorily. A person must serve in the Selected Reserve for the full term of the contractual agreement.

c. A USAR Soldier eligible for loan repayment at the \$20,000.00 level (paragraph 5.1–2e(1)) will terminate entitlement under the SLRP on transfer to the ARNGUS. However, if the transfer is based on the provisions of paragraph 1–14.1 in circumstances not requiring termination, or otherwise authorized by the Chief, ARNG Bureau, the Soldier will retain entitlement under the SLRP but only at the \$10,000.00 level.

d. Entitlement to the SLRP will terminate when the Soldier is discharged or transferred into the Individual Ready Reserve, Stand-by Reserve or Retired Reserve.

3. NGR 600-7 (Selected Reserve Incentive Program (SRIP)) Section VII (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 the 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
- Enlists in a UIC identified for the SLRP
- Is assigned to a valid position vacancy
- 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

Paragraph 1-21 (Continued Receipt of Incentives) provides a USAR Soldier eligible for loan repayment in a critical MOS will retain eligibility upon transfer to the ARNG in a designated ARNG critical vacancy or military occupational specialty at the ARNG designated amount. If the Soldier is authorized to continue under the SLRP, a new NGB Form 600-7-5-R-E (Student Loan Repayment Program Addendum) 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 USAR contract.

4. Army Regulation 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.

5. The Barring Act, Title 31, USC, section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

//NOTHING FOLLOWS//