

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240004599

APPLICANT REQUESTS: to receive Student Loan Repayment Program (SLRP) incentive payment for Fiscal Year (FY) 2018 in the amount of \$7,500.00.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request for Closed Year Payment Consideration SLRP
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 22 July 2014
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 SLRP Addendum Army National Guard (ARNG) of the U.S.)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (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 he did not receive his installment payment on 22 July 2018, due to his submitted request not being received in a timely manner. On 22 November 2023, the NCARNG G-1 submitted a request for payment through the NGB. However, this request was denied on 19 January 2024, due to closed year finding restrictions.
3. A review of the applicant's available service records reflects the following:
 - a. On 22 July 2014, the applicant enlisted in the NCARNG for 8 years as an Officer Candidate (09S) with enrollment in the SLRP. NGB Form 600-7-5-R-E reflects that the applicant had 10 existing student loans totaling \$31,000.00. Section III (SLRP Payment) provides that payments will be processed on the anniversary month of the enlistment agreement for each satisfactory year of service. Payments will not be processed automatically. The service member is required to submit a DD Form 2475 (Department

of Defense (DoD) Educational Loan Repayment Program Annual Application) to his State Incentive/ SLRP Manager otherwise he would not be eligible for payment. If a previous payment was not requested, the service member must provide an updated NGB Form 23a (ARNG Current Annual Statement) dated within 90 days of the current anniversary date.

b. On 5 March 2015, the applicant was appointed a Reserve commission.

c. On 1 February 2021, the NGB issued Special Orders Number 23 announcing Federal recognition of the applicant's branch transfer from Quartermaster to the Logistics Corp, effective 26 January 2021.

4. On 13 January 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that he met the requirements and was eligible per his incentive addendum. Therefore, his approved loans should be paid for FY18 in the amount of \$7,500.00. Payment was not previously processed due to closed year funding.

5. On 15 January 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. A review of the applicant's most recent NGB Form 23A (ARNG Current Annual Statement) reflects continuous satisfactory service from 22 July 2014 – 22 July 2024.

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 available documentation and the findings and recommendations outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting payment of the applicant's Student Loan Repayment Program (SLRP) incentive payment for Fiscal Year (FY) 2018 in the amount of \$7,500.00.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
: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 the applicant's Student Loan Repayment Program (SLRP) incentive payment for Fiscal Year (FY) 2018 in the amount of \$7,500.00.

//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, 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. National Guard Regulation 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 Selected Reserve 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 Unit Identification Code 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

a. Paragraph 2-25 (Eligible Loans) Loans that are eligible for repayment must be stipulated under Title 10, USC, Section 16301. SLRP qualifying loans will be per current FY SRIP policy. Loans that fall into default prior to and remain in default at the time of the scheduled annual payment will not be processed at that time. Repayment of loans that fell into default may be eligible for repayment on the following anniversary date provided they are not still in default. It is the Soldier's responsibility to ensure loans do not go into default.

b. Paragraph 2-28 (Soldier Responsibilities) provides that Soldiers are required to maintain loan accounts in good standing and complete DD Form 2475 (DoD Educational Loan Repayment Program) each anniversary year upon receipt from Incentive Manager, or Unit Administrator. The government will not make payments on defaulted loans.

c. Paragraph 2-31 (Administration) provides that DD Form 2475 is initiated on a Soldier's anniversary date and used to process claims of eligible participants.

3. 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.

4. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//