

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 December 2024

DOCKET NUMBER: AR20240005362

APPLICANT REQUESTS: payment of 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)
- National Guard Bureau (NGB) Form 600-7-5-R-E (Annex L to DD Form 4 Student Loan Repayment Program Addendum Army National Guard of the U.S.), 19 July 2016
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 19 July 2016
- Guard Annex (Enlistment/Reenlistment Agreement Army National Guard (ARNG) Service Requirements and Methods of Fulfillment), 19 July 2016

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 his request for loan repayment was submitted late in FY18. Upon submission, he was advised that funding for FY18 had been closed out and therefore he would need to request relief through this Board process. He further notes that he was not made aware of this issue until 29 January 2024. Prior to then he assumed everything was in order.

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

a. On 19 July 2016, the applicant enlisted in the ARNG for 8 years as a Commissioned Officer Candidate (09S) with entitlement to the SLRP, and the Montgomery G.I. Bill. NGB Form 600-7-5-R-E Section III (SLRP Payment) completed at the time of enlistment provides that SLRP payments will be made per the ARNG Selected Reserve Incentive Program (SRIP) Guidance for FY16. The applicant

acknowledged that SLRP anniversary payments are not processed automatically. The applicant would receive the DD Form 2475 (Department of Defense Educational Loan Repayment Program Annual Application) from the SLRP Manager within 90 days prior to their anniversary date. The applicant was required to mail, fax, or scan the documentation each year to his State Incentive/SLRP Manager; otherwise, he would not be eligible for payment. Loans in default at the scheduled annual payment date would not be processed. Repayment of loans that are in default may be eligible on the following anniversary date provided the loan(s) are not in default at that time. If a previous anniversary payment was not requested, the applicant was required to provide an updated NGB Form 23a (Army National Guard Current Annual Statement) dated within 90 days from the date of the current anniversary date. He acknowledged he had two disbursed loans totaling \$39,864.00 at the time.

b. On 1 February 2019, the NGB issued Special Orders Number 25 announcing Federal recognition of the applicant's initial appointment as a commissioned officer, effective 17 August 2018.

c. On 25 November 2020, the NGB issued Special Orders Number 358 announcing Federal recognition of his promotion to first lieutenant (1LT), 17 February 2020.

d. On 5 September 2024, the INARNG issued Orders Number 9421555 honorably releasing him from the ARNG, 31 August 2024 due to cogent personal reasons.

4. On 12 November 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that a review of his records reflects that he elected to participate in the SLRP in 2016. Guard Incentive Management System further provides that the applicant started receiving payments towards his loans in 2017. However, in 2019, his loans were in default. NGB Form 600-7-5-R-E Section III provides that "loans that fall into default at any time after enlistment/reenlistment/extension will not be eligible for repayment." Since the applicant's loans fell into default in 2018 after he entered INARNG, those loans were no longer eligible for this incentive. For these reasons, the NGB recommended disapproval. Any loans in default at time of anniversary date are not eligible for payment, but once the loans were out of default and in good standing, they were paid on in later FYs. All eligible payments were made & there are no outstanding payments.

5. On 20 November 2024, the applicant was provided with a copy of the advisory opinion to provide comments. As of 6 December 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's

contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant elected to participate in the SLRP in 2016. According to the GIMS he began receiving payments towards his loans in 2017. However, in 2019, his loans were in default. The applicant's SLRP Addendum provides that loans that fall into default at any time after enlistment/ reenlistment/extension will not be eligible for repayment. Since the applicant's loans fell into default in 2018 after he entered INARNG, those loans were no longer eligible for this incentive. The Board reviewed and agreed with the NGB advisory official's determination that the applicant is not eligible for the requested relief because any loans in default at time of anniversary date are not eligible for payment, but once the loans were out of default and in good standing, they were paid on in later FYs. All eligible payments were made and there are no outstanding payments.

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.

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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. The government will not make payments on defaulted loans.

3. 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.

//NOTHING FOLLOWS//