

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006147

APPLICANT REQUESTS: cancellation or remission of his Reserve Officers' Training Corps (ROTC) scholarship indebtedness due to his U. S. Air Force service.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract
- Defense Finance and Accounting Service (DFAS) debt statement dated 22 March 2024
- Headquarters (HQs), Air Forces Personnel Center Statement of Service
- DFAS Debt Statement dated 23 May 2024
- DFAS Debt Statement dated 26 August 2024
- DFAS Debt Statement dated 28 October 2024

FACTS:

1. The applicant states he requests the cancellation or remission of his Reserve Officers' Training Corps (ROTC) scholarship indebtedness due to his U. S. Air Force service. He has an educational assistance ROTC indebtedness for his attendance at the Old Dominion University. When he was disenrolled, he requested to serve in the military in lieu of repayment. In 2015, he enlisted in the U. S. Air Forces, and he continues to serve to this day with nearly 10-years of service. If the debt is not cancelled, it could affect his security clearance which he holds due to his U. S. Air Force service.

2. A review of the applicant's service record is not available for the Board's review.

3. The applicant provides:

a. DA Form 597-3 shows the Army agreed to pay four academic years of scholarship benefits in the form of full tuition and fees plus a flat rate of \$1,200.00 in books and laboratory expenses. In turn the applicant agreed to enroll in the necessary courses and successfully complete within the prescribed time required for a degree in

his selected academic major and remain enrolled in and successfully complete the ROTC program with a minimum academic grade point average of 2.0. Paragraph 5 (Terms of Disenrollment) stated the applicant understood if he was disenrolled from the ROTC program for a breach of contractual terms or any other disenrollment criteria he was subject to service on enlisted active duty if he was qualified for a period of not more than 4-years if he failed to complete the ROTC program or agreed to reimburse the U. S. Government his advanced educational assistance in lieu of being ordered to active duty. He also understood the Secretary of the Army or designee retains the prerogative to either order him to active duty or order the monetary repayment of his scholarship benefits. If ordered to repay the advanced educational assistance his enlistment in the Armed Service would not relieve him of his repayment obligation.

b. DFAS debt statement dated 22 March 2024 which shows the applicant's previous debt in the amount of \$147,513.63, interest charged in the amount of \$83.14 for a balance of \$147,596.77.

c. HQs, Air Force Personnel Center statement of service dated 16 May 2024 stated the applicant entered active duty on 6 January 2015 with a projected separation date of 5 December 2024 with honorable service.

d. DFAS debt statement dated 23 May 2024 which shows the applicant's previous debt in the amount of \$147,597.91, interest charged in the amount of \$83.14 for a balance of \$147,663.04.

e. DFAS debt statement dated 26 August 2024 which shows the applicant's previous debt in the amount of \$147,682.01, interest charged in the amount of \$85.82 for a balance of \$147,717.83.

f. DFAS debt statement dated 28 October 2024 which shows the applicant's previous debt in the amount of \$147,750.97, interest charged in the amount of \$85.82 for a balance of \$147,786.79.

4. On 24 February 2025, the U. S. Army Cadet Command provided the disenrollment packet for the applicant. The USACC official stated the Profession of Military Science, and the board recommended that he serve on active duty but he did not choose that option and cadet are not involuntarily ordered to active duty. Therefore, he was ordered to repay his scholarship benefits.

On 6 August 2014, the U. S. Army Cadet Command commander, directed the applicant be disenrolled and discharged from the U. S. Army ROTC program under provision of Army Regulation 145-1, paragraph 3-43a(6) for failure to maintain a minimum semester academic grade point average of 2.0. When the ROTC scholarship contract is breached, any obligation to the Army must be satisfied by repaying the cost of

advanced education assistance provided by the Army. The total amount of monies spent in support of his education was \$100,722.00. The disenrollment packet is available for the Board to review.

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 and available military records, the Board noted the applicant was disenrolled from the ROTC program at Old Dominion University in August 2014 due to academic deficiency and was subsequently ordered to repay the scholarship funds totaling \$100,722.00. At the time of disenrollment, the applicant expressed a desire to fulfill his obligation through military service. Although cadets are not involuntarily ordered to active duty, the applicant voluntarily enlisted in the U.S. Air Force on 6 January 2015 and has served honorably for nearly a decade. The applicant's continued service reflects a clear intent to meet the spirit of his ROTC commitment through active duty.

2. The Board acknowledged that while the ROTC contract stipulates that enlistment alone does not relieve repayment obligations, the applicant's sustained honorable service in a branch of the Armed Forces demonstrates a good faith effort to fulfill his obligation. Additionally, the Board recognized the potential impact of unresolved debt on the applicant's security clearance, which is essential to his continued service. In light of the totality of circumstances including his long-term honorable service, intent to serve in lieu of repayment, and the absence of misconduct, the Board determined that cancellation of the ROTC scholarship indebtedness is warranted as an act of equity. Therefore, relief is granted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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 the Army records of the individual concerned be corrected by notifying DFAS that the applicant's debt in the amount of \$100,722.00 has been relieved that was established due to his military service.

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, 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. Army Regulation (AR) 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled based on this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.
3. AR 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training), prescribes policies and general procedures for administering the Army's Senior Reserve Officers' Training Corps (SROTC) Program.
 - a. Paragraph 3-39 (Termination of scholarship and disenrollment), the Commanding General, ROTC Cadet Command, is the approving authority for termination of scholarship and/or disenrollment. A scholarship will be terminated, and the cadet disenrolled for any of the reasons listed in paragraph 3-43.

b. Paragraph 3–43 (Disenrollment), a. A non-scholarship cadet may be disenrolled by the Professor of Military Science. A scholarship cadet may be disenrolled only by the CG, ROTCCC. Disenrollment authority does not include the discharge authority for Simultaneous Membership Program participants.

4. Title 10, USC, section 2005 (Advanced education assistance: active-duty agreement; reimbursement requirements), provides that the Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree:

a. That if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed, such person shall be subject to the repayment provisions of Title 37, USC, section 303a(e); and

b. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

//NOTHING FOLLOWS//