

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 March 2025

DOCKET NUMBER: AR20240006250

APPLICANT REQUESTS: remission of Reserve Officers' Training Corps (ROTC) tuition debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Defense Finance and Accounting Service (DFAS) letter, 8 February 2024 – advising the applicant of the \$22,126.60 ROTC tuition assistance debt
- DD Form 214 (Certificate of Release or Discharge from Active Duty) – service on active duty from 5 August 2020 – 29 March 2022, in support of COVID-19
- Orders Number 13-4163-00008, 11 June 2024 – order to Full-Time National Guard Duty Operational Support (FTNGD-OS) from 16 June 2024 – 30 September 2024
- Orders Number 13-3341-00001A01 – amending Orders Number 13-3341-00001 to reflect 173 days rather than 142 days
- Orders Number 13-088-0035 – ordering the applicant to Annual Training (AT) from 1-15 June 2024
- Orders Number 13-3341-00001 – ordering the applicant to FTNGD from 11 December 2023 – 30 April 2024
- Orders Number 13-3319-00007 – ordering the applicant to FTNGD from 4-8 December 2023
- Orders Number 13-3319-00006 – ordering the applicant to FTNGD duty from 27 November 2023 – 1 December 2023
- Orders Number 13-3275-00011 – ordering the applicant to FTNGD from 1 October 2023 – 26 November 2023
- Orders Number 13-3229-00010 - ordering the applicant to FTNGD from 21 August 2023 – 30 September 2023
- Orders Number 13-3157-00013 – ordering the applicant to FTNGD for one day (13 June 2023)
- Orders Number 13-3136-00025 – ordering the applicant to FTNGD from 21-31 May 2023
- Orders Number 13-3128-00005 – ordering the applicant to FTNGD from 22 July 2023 – 5 August 2023

- Orders Number 13-091-0249 – ordering the applicant to AT from 7-21 July 2023
- Orders Number 13-3031-00013 – ordering the applicant to FTNGD from 4-25 February 2023
- Orders Number 13-2249-00005 – ordering the applicant to FTNGD from 6-30 September 2022
- Orders Number 13-2139-00011 – ordering the applicant to FTNGD from 23-27 May 2022
- Orders Number 13-118-0069 – ordering the applicant to AT from 9-14 August 2022
- Orders Number 13-067-0016 – ordering the applicant to AT from 2-16 April 2022
- Orders Number 13-1363-00115A02 – amending Orders Number 13-1363-00115 to reflect an 88 day duration rather than 91 days
- Orders Number 13-1363-00115A01 – amending Orders Number 13-1363-00115 to reflect a change in the Line of Accounting (LOA)
- Orders Number 13-1363-00115 – ordering the applicant to FTNGD from 1 January 2022 – 1 April 2022
- Orders Number 13-1274-00052 – ordering the applicant to FTNGD from 1 October 2021 – 31 December 2021
- Orders Number 13-1123-00302 – ordering the applicant to FTNGD from 1 May 2021 – 30 September 2021
- Orders Number 13-059-0088 (A2) – amending Orders Number 13-059-0088 to reflect a change in the LOA
- Orders Number BL-171-0301 (A3) – amending Orders Number BL-171-0301 to also reflect duty in Iraq
- Orders Number 13-059-0088 (A1) - amending Orders Number 13-059-0088 to reflect a change in the LOA
- Orders Number BL-171-0301 (A2) – amending Orders Number BL-171-0301 to reflect a change in the LOA
- Orders Number BL-171-0301 (A1) – amending Orders Number BL-171-0301 to also reflect duty in Afghanistan and a change in the duration from 334 days to 321 days
- Orders Number BL-171-0301 (N) – the applicant's authorized countries of travel between 30 June 2019 – 15 May 2020
- Orders Number BL-171-0301 – deploying the applicant in support of Operation Freedom's Sentinel, effective 30 June 2019, for a period not to exceed 321 days
- Orders Number 13-059-0088 – ordering the applicant to active duty in support of Operation Freedom's Sentinel, effective 12 April 2019, for a period not to exceed 400 days

FACTS:

1. The applicant states in pertinent part that:

- 8 February 2024 – the Defense Finance Accounting Services (DFAS) advised him of a \$22,145.12 debt associated with being disenrolled from the University of Hawaii at Manoa Army ROTC program (2008-2012).
- he denies having previous knowledge of the debt
- 6 February 2017 - enlisted in the Army National Guard (ARNG)
- since enlisting in the ARNG, he has served on active duty for over 3-years and deployed to Afghanistan
- his current service in the ARNG should be sufficient to warrant relief from any repayment requirements

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

- 25 August 2008 – contracted with the University of Hawaii-Manoa ROTC program
- 25 September 2008 – enlisted in the U.S. Army Reserve (USAR) as an ROTC scholarship cadet
- 27 November 2013 (Orders Number 331-1) – disenrolled from the ROTC program for failing to enroll in classes for Fall 2012 and failing to maintain a minimum semester cumulative academic Grade Point Average (GPA) of 2.0 on a 4.0 scale; GPA Spring 2012 semester was 0.16; discharged from the USAR Control Group (ROTC) without further obligation with service uncharacterized
- 6 February 2017 – enlisted in the ARNG for 6-years
- 8 May 2022 – elected to extend current enlistment by 6-years, with entitlement to a \$20,000.00 Reenlistment/Extension Bonus

BOARD DISCUSSION:

1. 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 available documentation showing the applicant entered into an ROTC scholarship agreement and failed to meet the terms and conditions of the agreement through the term of the agreement, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's ROTC debt.
2. The applicant raised the issue that his USARNG service should be sufficient to warrant relief from any repayment. However, in the terms of the agreement, paragraph 5a states that if disenrollment occurs, the applicant may agree to serve on enlisted ACTIVE DUTY for a period of 4 years as an alternate to reimbursement. As a result, his USARNG service is not sufficient.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//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. Army Regulation (AR) 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. The Commanding General, ROTC Cadet Command, is the only authority for discharge of scholarship cadets. ROTC cadets normally will be honorably discharged on the date of disenrollment from the ROTC program, except those ordered to active duty under the terms of their ROTC contract. If not academically enrolled, the cadet will be ordered to active duty 60 days from date of notification of active duty.

a. Cadets assigned to USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government for termination of a scholarship.

b. Cadets assigned to USAR Control Group (ROTC), who are not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC.

c. Scholarship students may be required to repay all or part of their scholarship financial assistance.

d. Paragraph 10-2 (Disenrollment Criteria) subparagraph (b.) provides that when cadets are found to be in breach of their service agreements, under the terms of such contracts their obligation to the Army may be satisfied through enlisted active-duty service or through recoupment of the cost of advanced educational assistance provided by the Army.

2. 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. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement.

b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army)

c. 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

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

3. AR 600-4 (Remission or Cancellation of Indebtedness) states:

a. A Soldier's debts to the United States Army may be remitted or canceled on the basis of this regulation in cases arising from—

- Payments made in error to a Soldier
- Payments made in excess of an allowance on behalf of a Soldier
- Debts incurred while serving on active duty as a Soldier
- Debts acknowledged as valid

b. Indebtedness to the U.S. Army will not be remitted or canceled when debt is incurred while not in an active duty status.

c. A Soldier indebted to the U.S. Government may request that the debt be remitted or canceled on the basis of hardship, injustice, or both. Additional factors for consideration in determining justice:

- The applicant did not know, and could not have known, of the error
- The applicant inquired of a proper authority and was told that the payment was correct

//NOTHING FOLLOWS//