

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 March 2025

DOCKET NUMBER: AR20240006490

APPLICANT REQUESTS: remission/cancellation of indebtedness from disenrollment from the Reserve Officers' Training Corps (ROTC).

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- ABCMR Docket Number AR20230008327 Letter Close
- Initial DD Form 149
- Defense Finance and Accounting Service (DFAS) Letter of Indebtedness
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), dated 30 September 2011
- DA Form 597 (Army Senior Reserve Officers' Training Corps (ROTC) Nonscholarship Cadet Contract), dated 30 September 2011
- Leaders Training Course (LTC) Addendum to Army Senior Reserve Officers' Training Corps (SROTC) Cadet Contract
- School Transcripts
- Memorandum for First Probation – Failure to Maintain Academic Standards, dated 29 March 2012
- Memorandum for Assumption of Command, dated 4 June 2012
- Email correspondence Professor G-M-
- Email correspondence M-C-
- Memorandum for Cadet Status – Leave of Absence Pending Disenrollment, dated 8 June 2012
- Disenrollment Checklist
- Memorandum for Disenrollment of Non-Scholarship Cadet from ROTC, dated 18 June 2012
- Privacy Act Statement
- Acknowledgement of Cadet
- Memorandum for Assumption of Command, dated 9 July 2012
- Cadet Form 131-R (Cadet Action Form), dated 11 July 2012
- Memorandum for Justification for monetary payback versus active duty, dated 11 July 2012

- Memorandum for Request for Disenrollment, dated 19 February 2013
- Memorandum for Disenrollment from the U.S. Army ROTC Program, dated 8 April 2013
- Applicant Letters to the Department of Treasury
- DD Form 2789 (Waiver/Remission of Indebtedness Application), dated 1 February 2016
- U.S. Air Force DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 25 February 2018
- DFAS Email correspondence

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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, he was disenrolled from the Army ROTC program with the Georgia Military College from 2011 to 2012. He served on active duty with the Air Force from January 2014 to February 2018. With serving on active service, he is looking to have his ROTC scholarship debt cancelled or remitted.
3. A review of the applicant's available service record reflects the following:
 - he enlisted in the Army Reserve, as a Cadet, in the ROTC program with Georgia Military College on 30 September 2011
 - he signed DA Form 597 for non-scholarship pay monthly subsistence and the LTC Addendum in conjunction, entitling him to a contract bonus to be repaid should he fail to fulfill any part of his service obligation
 - he was disenrolled from ROTC on 8 April 2013 for failure to maintain quarter academic grade point average of 2.0 on a 4.0 scale and required to repay his \$5,000.00 bonus
 - a DD Form 214 shows he served in the U.S. Air Force from 28 January 2014 to 25 February 2018 for a net service of 4 years and 28 days

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 applicant being disenrolled from the ROTC program in April 2013, the applicant not serving on active duty Army status and joining the Air Force two years later in January 2014 (not immediately upon disenrollment), as well as the terms and conditions outlined in the ROTC addendum signed by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting cancellation of the ROTC debt.

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. Title 10, U.S. Code, 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) 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training) prescribes policies and general procedures for administering the Army's Senior ROTC Program.

a. Paragraph 3-31 (Introduction) states the Army ROTC Scholarship Program provides financial assistance to those students who have demonstrated academic excellence and leadership potential. The U.S. Army Scholarship Program's purpose is to provide for the education and training of highly qualified and motivated young men and women who have a strong commitment to military service as commissioned officers.

b. Paragraph 3-43 (Disenrollment) (a)(16) states a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. A cadet may be disenrolled for breach of contract (including formerly used term willful evasion). (Note: Breach is defined as any act, performance or nonperformance on the part of a student that breaches the terms of the contract regardless of whether the act, performance or nonperformance was done with specific intent to breach the contract or whether the student knew that the act, performance or nonperformance breaches the contract).

3. Army Regulation 37-104-4 (Military Pay and Allowances Policy) provides the policies and provisions for entitlements and collections of pay and allowances of military personnel. Paragraph 31-2 (Recoupment) states recoupment applies to those individuals who have signed an agreement that contains recoupment provisions. Recoupment action will be taken at transition when the personnel and finance communities identify a Soldier or cadet as being eligible for recoupment action.

4. Title 10, USC, section 2005(a), states

a. 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 under the terms of which such person shall agree: (1) to complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement and (2) that if such person fails to complete the education requirements specified in the agreement, such person will serve on active duty for a period specified in the agreement.

b. States the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraph (1) through(4) of such subsection, the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) (Repayment of Unearned Portion of Bonuses and Other Benefits When Conditions of Payment Not Met; Termination of Entitlement to Unpaid Amounts) or 373 (Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107 (Financial assistance program for specially selected members)(f) and 2107a(f).

5. Army Regulation 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 on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.

//NOTHING FOLLOWS//