

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240007486

APPLICANT REQUESTS: entitlement to payment under the Student Loan Repayment Program (SLRP).

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

- DD Form 149 (Application for Correction of Military Record)
- Excerpt Reserve Annex (Page 3), 3 June 2011
- DA Form 5261-4 (SLRP Addendum), 3 June 2011
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 28 June 2014
- Degree Certificate, 12 May 2017
- DD Form 256A (Discharge Certificate), 4 June 2019
- Loan details
- Unofficial Transcript

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 fulfilled his service obligation and completed the contractual requirements associated with the SLRP incentive. He contests that he was released from military service on 2 June 2019 and graduated from Pittsburg State University in 2017. During his military service, he obtained several student loans in support of his college education. He notes that his entitlement to the SLRP in accordance with Section 16301, Title 10, USC and Section 552a, Title 5, USC were not fulfilled. He was unaware of this discrepancy until his requirement to repay the previously received loan(s) was reinstated, following the conclusion of the forbearance period.

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

a. On 3 June 2011, the applicant enlisted in the U.S. Army Reserve for 8 years with entitlement to the SLRP and an \$8,000.00 Non-Prior Service Enlistment Bonus. DA Form 5261-4 completed at the time of enlistment provides the participation and service obligations associated with the SLRP. The applicant acknowledged that repayment of qualifying student loans would be made after each year of satisfactory service in the Selected Reserve after securing the loans and reaching the anniversary date of this agreement. The applicant further acknowledged that payment of student loans is not automatic. He would be required to complete DD Form 2475 (Department of Defense Educational Loan Repayment Program Annual Application) each year and submit it to the personnel officials of his command. Loan payments would only be made to the lender or the note holder. Termination of this entitlement would occur if he separated from his enlisted status in the Selected Reserve for any reason except for an authorized period of nonavailability.

b. On or about 16 December 2011, the applicant completed 88N (Traffic Management Coordinator) training and was subsequently awarded the military occupational specialty.

c. On 3 July 2017, Headquarters, 88th Regional Support Command issued Orders Number 17-184-00025 reassigning the applicant to the U.S. Army Reserve (USAR) Control Group (Reinforcement) on 3 July 2017, due to reaching his expiration term service date.

d. On 4 June 2019, the U.S. Army Human Resources Command issued Orders Number D-06-914048 honorably discharging the applicant from the USAR, effective 4 June 2019.

4. The applicant provides the following a:

a. Excerpt Reserve Annex (Page 3), 3 June 2011, reflective of the incentives that he received during his initial enlistment.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 28 June 2014, reflective of the applicant's service on active duty from 21 July 2013 – 28 June 2014.

c. Degree Certificate dated 12 May 2017, reflective of the applicant's Bachelor of Business Administration degree being conferred by Pittsburg State University on 12 May 2017.

d. Loan details, reflective of the applicant having a total of 10 student loans totaling \$33,795.30 received between March 2012 and January 2017.

e. Unofficial Transcript, reflective of the applicant's academic courses completed in association with his Bachelor of Business Administration degree.

5. On 12 December 2024, Headquarters, U.S. Army Reserve Command, Director Resource Management, G-1, provided an advisory opinion noting that on 3 July 2017, the Army transferred the applicant into the Individual Ready Reserves (IRR). During his time in the Army Reserve, the applicant never requested the SLRP incentive, and the official Reserve Incentive Management Subsystem and the pay team are void of evidence of a submitted DD Form 2475. According to DA Form 5261-4, Section 7, Termination (4), entitlement to the SLRP terminates if a service member separates from their enlisted status in the Selected Reserve, unless the separation is due to an authorized period of nonavailability. The applicant transferred into the IRR to fulfill the terms of his contract and was discharged without requesting the SLRP. Therefore, his entitlement to the SLRP was terminated. Further, reinstatement of his SLRP incentive is not supported by regulatory guidance.

6. On 18 December 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

7. On 31 December 2024, in response to the advisory opinion, the applicant argues that during his military service he was advised that he was unable to receive loan repayment under the SLRP until after he graduated from school. When he transferred into the IRR he attempted to seek loan repayment through the Department of Veterans Administration without success. He also sought the assistance of a recruiter. He was unaware of the requirement to complete a DD Form 2475 until after locating his enlistment contract years later. This letter is further provided in its entirety within the supporting documents for the Board member's review.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, and within the military record, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available evidence showing the applicant never requested SLRP incentive during his military service with the USAR, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

The Board wished to inform the applicant the SLRP incentive is a program not afforded to all military members. To receive such an incentive, submission of a request and approval of the request is required. Without the request being submitted, the Board recommended denial.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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 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) 621-202 (Army Educational Incentives and Entitlements) provides guidance pertaining to educational incentives and entitlements authorized by public law. It provides Army-unique policies, responsibilities, and procedures governing these educational benefits for Soldiers and former Soldiers of the Active Army. To be eligible for the SLRP incentive, a person must contractually obligate himself or herself to serve satisfactorily per AR 135-91. A person must serve in the Selected Reserve (SELRES) for the full term of the contractual agreement. A Soldier is authorized to

continue receipt of the SLRP incentive upon transfer between the Reserve Component of the Army (ARNGUS and USAR.) This does not constitute a Soldier's receipt of any additional benefits. The incentive is only authorized one time and only for the amount of the initial agreement.

a. Once approved for the program, Soldiers will be notified 90 days prior to their anniversary date of contracting for SLRP and will initiate DD Form 2475 loan repayment application within that 90-day window. Submission of application will be within 90 days prior to and up to 275 days after the anniversary date, if seeking to pay principal and interest for eligible loans.

b. A DD Form 2475 received more than 275 days after the SLRP anniversary date will allow payment of principal only for loans originally eligible on that date. Payments may be claimed for up to 6 years in accordance with the Barring Act, Title 31, USC, section 3702. Claims beyond 6 years will be processed through the Army Board for Correction of Military Records.

c. Soldier will log into Web Enabled Benefit Education System by navigating to <https://rcms.usar.army.mil/> Education to access the SLRP homepage to initiate the DD Form 2475 for the annual loan repayment application. Soldier will go to the 'my loan repayment' homepage and the 'manage loans' tab to load lender contact information, promissory notes, and disbursement information.

3. AR 601-210 (Active and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the Army Reserve, and Army National Guard for enlistment on or after the effective date of this regulation. Chapter 10 (Selected Reserve Incentive Program) provides that incentive eligibility will be stopped when the service member separates from a SELRES unit or the IRR of the AR or ARNGUS for any reason. Separation includes but is not limited to discharge or transfer to the IRR, ING, Standby, or Retired Reserve.

4. 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.

//NOTHING FOLLOWS//