

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240008237

APPLICANT REQUESTS:

- debt remission in the amount of \$36,450.00
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2823 (Sworn Statement) – applicant's statement pertaining to a sequence of events occurring between 13 March 2022 – 18 January 2023
 - 14 April 2022 – submitted Warrant Officer packet
 - 18 May 2022 – publication of Military Personnel (MILPER) Message Number 22-173 (disqualified him from receiving a Selective Retention Bonus (SRB)); denies awareness of message until 9 January 2023
 - 27 May 2022 – accepted into Special Forces Warrant Officer Technical and Tactical Course (SFWOTTC)
 - 13 June 2022 – reenlisted in the Regular Army with SRB entitlement
 - 1 July 2022 – payment of \$72,900.00 SRB was received
 - 5 Jul 2022 – began SFWOTTC
 - 10 November 2022 – graduated from SFWOTTC and appointed a Warrant Officer
 - 29 December 2022 – Defense Finance Accounting Services (DFAS) \$72,900.00 debt notification letter received for Disability Severance Pay (DSP); denies previous receipt of DSP and assumed letter was generated in error; labeled as such because the finance pay systems would not permit recoupment of an SRB from a Warrant Officer
 - 8 January 2023 – requested the assistance of his State Senator
 - 9 January 2023 – advised by the finance office of the regulatory guidance applicable to the recoupment of his SRB;
- Army Regulation (AR) 601-280 (Army Retention Program), Paragraph 5-4 g (3) states that regardless of whether a Soldier is eligible under paragraph 5-4e, a Soldier is ineligible for a SRB if they reenlist or

extend to gain enough obligated service to take part in a program leading to commissioned or warrant officer status

- 13 January 2023 – retained an attorney to contest the legality of the actions implemented by DFAS
- 18 January 2023 – requested debt remission based upon financial hardship and alleged injustice
- Memorandum – Subject: Remission or Cancellation of Indebtedness Based on Hardship and or Injustice – approval of the applicant’s request in part by cancelling \$36,450.00 of the \$72,900.00 debt
- Email communication – reflective of information pertaining to the disparity in coding the applicant’s pay records for SRB debt recoupment
- U.S. Army Human Resources Command (AHRC) letter, 12 January 2023, advising the applicant’s State Senator of his right to request consideration for remission or cancellation of indebtedness through the AHRC Incentives and Compensations Branch
- Email communication – reflective of the specific regulatory and MILPER message guidance that support the recoupment of the applicant’s SRB (AR 601-280, Paragraph 5-4g(3) and MILPER Message Number 22-173)
- U.S. Army Financial Management Command Memorandum – Subject: Notice of Indebtedness to an Officer, 29 December 2022 – notifying the applicant of the \$72,900.00 debt due to overpayment of DSP
- Leave and Earnings Statement, 31 July 2022 – reflective of the applicant’s pay and entitlements for the month of July; payment of \$72,900.00 was made during this period
- DA Form 3340 (Request for Continued Service in the Regular Army), 12 June 2022 – request to reenlist
- DA Form 4789 (Statement of Entitlement to Retention Incentive), 13 June 2022 – agreement to accept the \$72,900.00 SRB incentive for continued obligated service form 14 March 2023 – 13 March 2028
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 13 June 2022 – indefinite reenlistment
- DA Form 3286-79 (Statement for Reenlistment) – reflective of the applicant meeting the eligibility requirements for reenlistment in the Regular Army under the Career Status Program
- Email communication, 3 June 2022 – advising the applicant of his reenlistment eligibility
- MILPER Message Number 22-196 (U.S. Army Warrant Officer Selection Board Results), 27 May 2022 – reflective of a list of personnel selected to attend the Warrant Officer Candidate School (WOCS)

- SRB Program, 16 May 2022 – announced changes to the Regular Army SRB program; 18 series Career Management Field Soldiers in the rank of SSG/SFC are listed as Tier 9 with entitlement to \$72,900.00 SRB
- Email communication, 13 April 2022 – reflective of communication concerning a request for waiver (medical)

FACTS:

1. The applicant states in pertinent part that:

- he reenlisted in good faith with entitlement to a \$72,900.00 SRB
- AHRC partially approved his request for debt remission; \$36,450.00 (50 percent of the total amount) currently being recouped at a rate of \$800.00 per month
- disqualified from receiving the SRB due to his election to reenlist in the Regular Army; paperwork completed after he was selected to attend the SFWOTTC

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

- On 5 November 2008 – enlisted in the Regular Army
- On 15 December 2015 – reenlisted for 6 years with entitlement to an SRB incentive
- On 20 March 2017 (Orders Number 79-41) – promoted the applicant to sergeant first class (SFC)/E-7, effective 1 April 2017
- On 14 March 2019 – the applicant reenlisted for 4 years with entitlement to an \$15,200.00 SRB incentive
- On 13 June 2022 – the applicant reenlisted indefinitely with entitlement to a \$72,900.00 SRB to be paid in a lump sum upon issuance of a Retention Control Number (RCN); DA Form 4789 reflects the RCN
- On 6 July 2022 – the applicant started the SFWOTTC
- On 10 November 2022 – the applicant graduated from the SFWOTTC; appointed as a Warrant Officer

3. On 11 March 2025, the Deputy Chief of Staff, G-1, Financial Management Specialist, Military Pay Branch recommended approval of the applicant's request noting that the DA Form 4789 that he signed on 13 June 2022, provides that he must remain technically qualified in his Military Occupational Specialty (MOS). An additional form completed at the same time indicated that the applicant would be assigned based on the needs of the Army under the Non-Commissioned Officer Career Status Program. As a Warrant Officer, he remained in the same MOS that he held when he was enlisted. The applicant's pay account incorrectly reflects that he previously received a DSP. The applicant never received DSP therefore the debt posted is invalid. The debt remaining after his previous approval for remittance is \$36,450.00. The applicant should be refunded all previous monies collected in association with this debt.

4. On 13 March 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.
5. 19 March 2025, the applicant responded in concurrence with the recommendation as stated in the advisory opinion.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings outlined in the G1 advisory opinion, the Board concluded there was sufficient evidence of an error or injustice warranting remission of the applicant's debt in the amount of \$36,450.00. All previously collected monies should be returned to the applicant.

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 Army records of the individual concerned be corrected by remitting the applicant's debt in the amount of \$36,450.00, and returning all previously collected monies related to the debt to the applicant.

//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. 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

2. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in

its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//