

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2025

DOCKET NUMBER: AR20240008452

APPLICANT REQUESTS: reconsideration of his previous request for:

- correction of his record to show his \$28,320.00 Reserve Officers' Training Corps (ROTC) debt was remitted/cancelled and reimbursed all monies collected based on his service on active duty
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Integrated Personnel and Pay System - Army Talent Management Profile, 7 June 2024, on 1 October 2010 and 3 September 2019 he was assigned to the U.S. Army Pre-accessions as a trainee unassigned
- DA Form 67-10-1 (Company Grade Plate (O1 through O3, WO1 through CW2) Officer Evaluation Report (OER) for rating period of 1 May 2020 through 14 March 2022, he was rated as the Adjutant of 1st Infantry Battalion, 17th Infantry Regiment
- DA Form 67-10-1 for rating period of 15 March 2022 through 5 November 2022, he was rated as the Rifle Platoon Leader of C Company, 1st Infantry Battalion, 17th Infantry Regiment, 7th Infantry Division
- DA Form 67-10-1 for rating period of 6 November 2022 through 14 May 2023, he was rated at the Battalion Signal Officer for 2nd Stryker Brigade Combat Team, 2nd Infantry Division
- DA Form 67-10-1 for rating period of 15 May 2023 through 27 February 2024, he was rated at the Battalion Signal Officer for 2nd Stryker Brigade Combat Team, 2nd Infantry Division
- Leave and Earnings Statements started unknown indebtedness on 1 August 2023 in the amount of \$18,684.89 with \$300.00 deducted from his active duty pay per month:
 - for the period of 1 through 31 August 2023
 - for the period of 1 through 30 September 2023
 - for the period of 1 through 31 October 2023
 - for the period of 1 through 30 November 2023

- for the period of 1 through 31 December 2023
 - for the period of 1 through 31 January 2024
 - for the period of 1 through 28 February 2024
 - for the period of 1 through 31 March 2024
 - for the period of 1 through 30 April 2024
 - for the period of 1 through 31 May 2024
- Army Board for Correction of Military Records (ABCMR) Docket Number AR20210010420 Report of Proceedings, discussed in paragraph 1
 - Applicant's rebuttal to advisory opinion for ABCMR Docket Number AR20210010420, 7 June 2024;
- The Board asserted he was provided the opportunity to appear before a panel
 - He made every attempt possible to keep the Board informed of his intent
 - He expressed willingness to appear before the Board to Mr. D-
 - The Board's claim he declined to appear before the panel was unfounded
 - He achieved 5-years of active duty service on 3 September 2024
 - When he joined the Army, the Defense Finance and Accounting Service (DFAS) agreed not to collect on the debt until her resolved the issue with the Board
 - August 2023, DFAS began collecting the debt on the educational assistance
 - He provided OERs to rebuke the Boards claim about his ability to maintain Army standards
 - He provided his discharge order reflecting his honorable service from active duty
 - He is attempting to achieve recognition of his service in lieu of the educational debt and reimbursement of monies paid to date
- E-mails with the ABCMR shows his communication with the president of the Board and Mr. D-

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20210010420 on 6 April 2022.

2. The applicant states in effect:

- He incurred a debt for his financial assistance from the Army when he voluntarily withdrew from the ROTC program
- He eventually enlisted in the Regular Army (RA) and accepted a commission

- He served 5 years in the RA
- He believes it to be unjust for him to carry an educational debt and the Army to keep the monies which he has already paid when he honorably served
- He is paying the Army to be in the Army
- He has exceeded what would have been his 4-year active duty service obligation if he had remained in the ROTC
- His time and character of service warrants remission of his educational indebtedness

3. A review of the applicant's service record shows:

- On 1 October 2010, he enlisted in the U.S. Army Reserve (USAR) as a cadet and was assigned to the USAR Control Group (ROTC); in conjunction with this enlistment, he signed DA Form 597-3 (Army Senior ROTC Scholarship Cadet Contract) which stated:
 - The Army agreed to pay four academic years in full tuition and fees and a flat rate of \$1,200.00 for books and laboratory expenses
 - Scholarship payment will be made if he remains actively enrolled as a full time scholarship cadet
 - He would maintain at a minimum each semester or quarter a cumulative academic grade point average of 2.0
 - He would maintain at a minimum each semester or quarter a cumulative academic grade point average of 2.0 in all ROTC courses
 - He agreed he would incur an 4-year active duty and/or reimbursement obligation
 - He agreed once he was obligated, if disenrolled from the ROTC program for breach of contractual terms or other disenrollment criteria he would be subject to:
 - serve on enlisted active duty not more than 4-years if he failed to complete the ROTC program
 - He agreed to reimburse the U.S. Government for advanced educational assistance in lieu of being ordered to active duty
 - He agreed any obligation to reimburse will not be altered by subsequent enlisted duty
- On 4 February 2013, the U.S. Army Cadet Command disenrolled the applicant from the ROTC program for a breach of contract for failure to enroll in the required military science class in the fall semester of 2012
 - He waived his right to a hearing

- He declined to be called to active duty within 60-days after completion of his current projected graduation date or upon withdrawal or dismissal from school
- He declined an expeditious call to active duty
- He received \$28,320.00 in U. S. Army advanced education financial assistance
- On 3 September 2019, he enlisted in the RA
- On 10 February 2020, he was promoted to the rank/grade of sergeant/E-5 to attend Officer Candidate School with the same date of rank by Orders Number 59-89
- On 30 April 2020, he was discharged from the RA to accept a commission in the U.S. Army by Orders Number 20105-543
- On 1 May 2020, he was ordered to active duty to fulfill his active duty commitment as a obligated volunteer officer for 3-years by Orders Number 20114-700
- On 30 April 2020, he was honorably discharged from active duty to accept a commission in the Army after completion of Basic Combat Training and the Officer Candidate course
- On 1 May 2020, he graduated Officer Candidate School and was appointed and commissioned as a second lieutenant in the RA with the date of rank of 1 May 2020 by Orders Number 520-126-OC5-95
- On 6 April 2022, the ABCMR in Docket Number AR20210010420 denied his request for the remission or cancellation of his ROTC indebtedness due to his active duty service
- On 1 December 2024, he was reassigned to the U.S. Army transition point for release from active duty by Orders Number 240-0007
- On 2 December 2024, he was assigned to the Virginia Army National Guard (ARNG) by Orders Number 10274697
- On 1 December 2024, he was honorably released from active duty and assigned to the ARNG, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 4-years, 7-months, and 1-day of active service and he completed his first full term of service

4. The advisory opinion for Docket Number AR20210010420 from the Deputy Chief of Staff G1 advisory official recommended disapproval of his request for the remission or cancellation of his ROTC indebtedness and reimbursement of monies paid. He was discharged from the ROTC program due to his disenrollment from the ROTC course and failure to maintain proper height, weight and Army Physical Fitness Test standards. He was given the opportunity for a hearing but he declined. He requested to pay back the advanced education financial assistance he received in the ROTC.

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 review based on law, policy, and regulation. The Board determined based upon the applicant service on active duty he should have his ROTC debt cancelled and that he be reimbursed all monies collected based on his service on active duty.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 cancelling collection of \$28,320.00 in debt and refunding any monies already recouped.

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. 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.

2. 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.

3. 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.

4. 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 applicants 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//