

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 May 2025

DOCKET NUMBER: AR20240008720

APPLICANT REQUESTS:

- Correction of his Pay Entry Base Date (PEBD)
- Remission of debt due to change in PEBD

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- DA Form 597-3 (Army Senior Reserve Officer Training Corps (ROTC) Scholarship Cadet Contract)
- DA Form 71 (Oath of Office - Military Personnel)
- Leave and Earnings Statement (LES), 13 October 2023 and 1 August 2024
- Self-Authored Letter to Defense Finance and Accounting Service (DFAS)
- DD Form 2789 (Waiver/Remission of Indebtedness Application)
- Email Notification of Change in PEBD
- Email Regarding PEBD Debt

FACTS:

1. The applicant states:

- On 5 June 2024, he received an email stating he had incurred a debt of \$42,634.49 over the 19 years of his military career
- This needs to be corrected/waived
- The email stated his PEBD changed from 18 March 2002 to 13 May 2005
- He believes the debt he incurred is unjust due to an error made by the Army
- The debt was not incurred due to any fault or negligence on his part
- He has diligently fulfilled his financial obligations and responsibilities throughout his service
- It is unjust for him to bear the burden of this erroneous debt

- Over the more than 19 years of service, he has conducted several record reviews
- Nobody indicated his PEBD to be incorrect
- He began receiving payment from the Army upon signing his entry contract and he has only known 18 March 2002 to be his PEBD

2. The applicant provides and his service record shows:

- On 18 March 2002, he enlisted in the U.S. Army Reserve (USAR) as a cadet; there is no information showing he was a drilling Troop Program Unit member
- On 18 March 2002, he signed the Army Senior ROTC Scholarship Cadet Contract; he agreed to enlist for a period of 8 years in the USAR as a cadet assigned to USAR Control Group (ROTC); the contract includes an 8 year military service obligation upon appointment as an officer
- On 13 May 2005, he took the oath of office as a Reserve Commissioned Officer
- On 11 June 2023, a Retirement Accounting Statement shows his PEBD as 18 March 2002
- His LES, 13 October 2023, shows his PEBD as 18 March 2002
- On 5 June 2024, he wrote a letter to DFAS requesting a waiver of his debt, which stems from an error made by the Army
- On 5 June 2024, he completed a Waiver/Remission of Indebtedness Application regarding his debt
- On 6 June 2024, he received an email stating the change is his PEBD is correct
- On 11 June 2024, a Retirement Accounting Statement shows his PEBD as 13 May 2005
- His LES, 1 August 2024, shows his PEBD as 13 May 2005

3. On 6 May 2025, the Chief, Personnel Services Division, U.S. Army Human Resources Command (AHRC) provided an advisory opinion, which states in pertinent part:

- AHRC reviewed his application; service in ROTC is not creditable for pay
- Title 10, U.S. Code 2106(c) states advanced training may not be credited with enlisted service
- Department of Defense Financial Management Regulation 7000.14-R, states ROTC members may qualify for creditable service, but only if they are concurrently serving in the Selected Reserve (in a drilling status)
- The applicant was not a member of the Selected Reserve
- His PEBD of 13 May 2005 is accurate

4. On 7 May 2025, the advisory opinion was provided to the applicant to allow him the opportunity to respond; he did not respond.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts and recommendation outlined in the HRC advisory opinion and a lack of any rebuttal submitted by the applicant of those facts and recommendations, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's PEBD date.

2. The Board did note the guidance in the HRC advisory opinion for the applicant to submit a waiver for his debt through the USARC G8 office. Based upon that recommendation and the available documentation showing the applicant did not have the appropriate military experience to recognize he was being overpaid at the time of receiving the overpayments and the hardship to him if collection now began, the Board concluded there was an injustice present warranting granting a waiver of the applicant's debt of \$42,634.49.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by granting a waiver of the applicant's \$42,634.49 debt. All monies previously collected on the debt should be returned to the applicant.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to changing the applicant's PEBD.

//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 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. In accordance with the authority of Title 10, U.S. Code (USC), section 7837 and/or Title 32, USC section 710(c), the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States.
2. Title 10, USC, section 7837 (Settlement of accounts: remission or cancellation of indebtedness of members) states, the Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Army, whether as a Regular or a Reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.
3. Army Regulation 140-185 (Training and Retirement Point Credit and Unit Level Strength Accounting Records) contains Army policy for USAR training and retirement point credit. It states, in pertinent part, an officer with service cadet at a service academy or in a Senior ROTC program, in education delay status for advanced training

will have, as an anniversary date, the date the Soldier entered into active service or active status minus any service as a cadet.

4. Department of Defense Financial Management Regulation 7000.14, volume 7a, chapter 1, prescribes the criteria for determining creditable service for military members; provides examples for computing valid creditable service.

a. It states periods of service that are not creditable for pay purposes; cites conditions for the payment of military pay entitlements; explains the computation of leave and conditions for leave accrual; and provides for situations where enlistments are not valid. (Computation of Creditable Service), for most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active or inactive service. If, however, there is a break in service, the time between periods of service usually is not included. Also, there are statutory periods when service in a particular component may not be counted. Conversely, there are periods for which some members are given constructive service, even though they were not actually serving on active or inactive duty.

b. Various types of service can be counted as creditable service for military members. This designation may affect their pay and eligibility for retirement. Specifically, Army ROTC members may qualify for credible service, but only if they are concurrently serving in the Selected Reserve (in a drilling status) for any service performed on or after 1 August 1979.

5. Title 38 USC, section 3311(a)(d) (Prohibition on Treatment of Certain Service as Period of Active Duty) states period of service on active duty of an officer pursuant to an agreement under Title 10 USC, section 2107(b) (enrollment as a cadet) shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based.

6. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program), states the Reserve Officer Training Corps (ROTC)/Simultaneous Membership Program (SMP), is a voluntary officer training program that requires USAR enlisted status for eligibility. Subject to the limitations outlined in paragraph 10-4 below, the ROTC/SMP permits eligible enlisted persons assigned to a TPU of the USAR to enter the Advanced (MS III and MS IV) Course of the ROTC Program. It also permits eligible ROTC Advanced Course cadets to be assigned to TPUs and serve as officer trainees. The objective of the ROTC/SMP is to increase the number of officers entering the Selected Reserve from the ROTC Program.

a. It includes:

(1) Assignment to a troop program unit (TPU) of the US Army Reserve (USAR) in a paid drill status.

(2) Simultaneous training as an ROTC Cadet and as a member of a TPU of the USAR after enrollment in the ROTC program.

(3) Accelerated appointment by pay grade E-5 upon enrollment in the ROTC.

b. Prerequisites for ROTC/SMP that must be met before enlistment include:

(1) A commissioned officer vacancy, or projected vacancy, must exist in the TPU to which the applicant is to be assigned upon enlistment.

(2) Meet the basic eligibility criteria for enlistment as prescribed by table 2-1 or 3-1, as appropriate.

(3) Meet the additional requirements below for enrollment in ROTC

(4) Prior Service applicants must agree to a minimum term of service of 4 years upon enlistment. Nonprior service applicants must enlist for a 6-year term of service.

(5) Applicant or recruiter must present a completed PMS Certification (fig. 9-23) to the guidance counselor.

(6) Applicant must complete the Simultaneous Membership Program Agreement (Addendum of DA Form 3540 series) (DA Form 4824-R)

c. The Addendum to DA Form 3540 series. Simultaneous Membership Program Agreement, (fig. 9-22) and the DA Form 3540 series itself must be completed for all applicants enlisted under this option. These will be firmly attached to the original and all copies of the DD Form 4 series, Enlistment/Reenlistment Document-Armed Forces of the United States.

7. Army Reserve Retirement Points Information Guide, states ROTC cadets participating in the Simultaneous Membership Program (SMP) are credited retirement points. All other cadets, upon commissioning, will not be credited retirement points. In computing length of service for any purpose, an officer appointed through the ROTC program may not be credited with enlisted service for the period covered by his or her advanced training (10 USC 2106(c) and 10 USC 2107(g)).

//NOTHING FOLLOWS//