

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240008730

APPLICANT REQUESTS: remission of service debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Defense Finance and Accounting Services (DFAS) Report, 20 May 2020 – reflective of the applicant incurring a \$755.34 debt due to his performance of active-duty service (Rescheduled Training (RST) 12-14 December 2018) beyond his separation date (30 November 2018)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 14 December 2018 – reflective of the applicant's performance of RST from 12-14 December 2018
- U.S. Department of the Treasury letter, 3 March 2025 – advising the applicant of a service debt; a portion (\$483.15) of his debt was deducted from his Social Security entitlement
- Leave and Earnings Statement, 3 May 2019 – reflective of the applicant's pay and entitlements; \$755.34 debt balance for duty performed beyond his date of separation
- Email communication – reflective of an inquiry concerning a potential travel related debt; advised that there is no record of a travel debt being processed
- DA Form 5016 (Chronological Statement of Retirement Points), 20 March 2025 - reflective of the applicant's qualifying service performed between 23 January 2006 and 22 January 2022
- Orders Number 19-056-00013, 25 February 2019 – reflective of the applicant being reassigned to the U.S. Army Reserve Control Group (Reinforcement), effective 1 December 2018
- Orders Number 20-066-00055, 6 March 2020 – reflective of Orders Number 19-056-00013 being amended to reflect a 25 February 2019 effective date
- Email communication – advising the applicant that he may have a legitimate complaint regarding his service debt since his separation orders were backdated to almost 90 days
- DA Form 5016 (Retirement Accounting Statement) – reflective of the applicant's qualifying service performed between 23 January 2006 and 23 January 2025

FACTS:

1. The applicant states in part that:

- he submitted a request to be discharged due to a family hardship; advised to continue attending Battle Assembly pending approval of his request
- advised to submit DA Form 1380 to be paid for his RST
- his Social Security checks are now being garnished due to the debt created by his performance of RST after being separated

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

- On 23 January 2006 – he enlisted in the U.S. Army Reserve (USAR)
- On 25 February 2019 (Orders Number 19-056-00013) – he was reassigned to the USAR Control Group (Reinforcement) due to an unresolvable employment conflict, effective 1 December 2018
- On 6 March 2020 (Orders Number 20-066-00055) – Orders Number 19-056-00013 was amended to reflect a 25 February 2019 effective date vice 1 December 2018

3. On 8 May 2025, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion recommending approval of the applicant's request noting that he has demonstrated that the debt is invalid. The applicant was authorized to continue attending drills. He was originally placed on Individual Ready Reserve (IRR), effective 1 December 2018; however, an amendment was issued to change that order placing him in the IRR, effective 25 February 2019.

4. On 15 May 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and Department of the Army, Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant demonstrated that the debt was invalid.

2. The opine noted, the applicant was authorized to continue attending drills. He was originally placed on Individual Ready Reserve (IRR), effective 1 December 2018; however, an amendment was issued to change that order placing him in the IRR, effective 25 February 2019. The Board determined there is sufficient evidence based on the advising official to support the applicant's contentions for remission of service debt. As such, the Board granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

██████████ 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 to show remission of the applicant's service debt.

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 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army. The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.
2. Army Regulation (AR) 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, 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. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.
3. AR 600-8-105 (Military Orders) prescribes the policies and mandated operating tasks for the orders program of the military personnel system. It establishes standards and provides an operational document in a logical sequence. Only the organization that published the original order may amend, rescind, or revoke the order. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published.

//NOTHING FOLLOWS//