

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240008900

APPLICANT REQUESTS:

- Retest of his urinalysis to confirm the accuracy of the initial drug test results
- Thorough review of the procedures employed, during the testing process
- Review of the board's decision-making process to disenroll him from Reserve Officer Training Corps (ROTC)
- The opportunity to seek legal representation
- Investigation into potential external factors
- Reinstatement into the ROTC program
- In effect, remission of his ROTC debt
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Continuation of DD Form 149
- DA Form 1574-2 (Report of Proceedings by Board of Officers) with enclosures and exhibits
- Article *Servicemembers Should Avoid Foods with Poppy Seeds*
- Leadership Contract
- Memorandum Joint Field Training Exercise
- Memorandum ROTC Cadet Volunteer Hours
- Memorandum Letter of Lateness

FACTS:

1. The applicant states, in pertinent part:

a. He requests a retest of his urine to confirm the accuracy of the initial drug test, as he firmly believes in his innocence and the possibility of a false positive. He urges for a thorough review of the procedures employed, during the testing process as well as the board's decision making process, to ensure fairness and accuracy evaluating his case. He seeks the opportunity to seek legal representation with expertise in such matter or an advocate present, during his appeal process, to ensure that his rights are protected

and that his case is advocated for effectively. Finally, he request a fair investigation into potential external factors, such as substances inadvertently encountered, during camp activities, that could have contributed to the circumstances leading to the failed drug test. These measures are crucial to ensuring a just resolution to this matter and upholding the integrity of the ROTC program.

b. He is profoundly concerned about the severe impact on his psychological wellbeing and overall mental health. The board's decision is deeply troubling. Two members demonstrated insufficient familiarity with his case. There was a glaring absence of efforts to retest him, which could have provided a more accurate and a fairer outcome.

c. It is disheartening to see that everything he aspired to become has been unfairly taken away. This situation has shattered his dreams and makes him feel devalued. Given these circumstances, he earnestly requests reinstatement into the ROTC program or, at the very least, relief from all punitive measures. He has been requested to pay \$265.02 per month to the government and that has put a toll on his mental health. Addressing this issue is not only a matter of fairness but also a crucial step in mitigating the adverse psychological effects this decision has had on him. Restoring a sense of justice is essential for his wellbeing and future contributions.

2. The applicant's request to retest his urinalysis to confirm the accuracy of the initial drug test results, conduct a thorough review of the procedures employed during the testing process, review of the board's decision-making process to dis-enroll him from Reserve Officer Training Corps (ROTC), the opportunity to seek legal representation and to conduct an investigation into potential external factors are all outside of the Board's purview. The Army Review Boards Agency is not an investigative body. Therefore, these issues will no longer be reviewed in these proceedings. However, the Board will review his request for reinstatement into the ROTC program and his educational debt.

3. The applicant provides a Report of Proceedings by Board of Officers, 5 October 2022, with enclosures and exhibits, which states in pertinent part. The board found:

- He entered into a valid ROTC Cadet Contract
- He received advanced education assistance in the amount of \$29,867
- He voluntarily failed to complete the requirements of his contract and was dismissed from advanced camp due to a positive urinalysis

The board recommended:

- He should not be retained in the ROTC as a scholarship cadet

- He should not be retained in the ROTC as a non-scholarship cadet
- He should be disenrolled from ROTC
- He should be released from some, but not all, contractual obligations
- He should not be ordered to active duty
- He should be ordered to repay his valid debt

The findings and recommendations of the board were approved on 3 November 2022.

4. The applicant's service record contains the following documents:

a. On 21 August 2020, he enlisted in the U.S. Army Reserve (USAR) as a cadet. On the same day he signed an ROTC Cadet Contract, which lists the amount of money he would receive for college and what he was agreeing to, his obligations, and terms of disenrollment. He and the ROTC Contracting Official signed the form.

b. On 1 January 2022, he was discharged from the USAR Control Group (ROTC). On 18 October 2023, a Record of Disenrollment was completed stating he was disenrolled from the ROTC program based on a fact or condition that bars his appointment as a commissioned officer, positive urinalysis for THC (marijuana). He was recommended as an average candidate for determining acceptability for other officer training.

5. On 13 February 2025, the Financial Management Specialist Military Pay Branch, G-1 provided an advisory opinion, which states, in pertinent part, based on G-1's review of the information, they recommend the Board disapprove the applicant's request. When a scholarship recipient is disenrolled from an ROTC program without fulfilling their contractual obligation, they incur a debt for the scholarship. He received a letter, 5 October 2022, outlining the board procedures and the rebuttal process. There is no evidence he made any changes to the Report of Proceedings by Board of Officers or appealed the disenrollment within 14 days.

5. Sometime after 13 February 2025, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. With the exception of the remission of the ROTC debt request, the Board recommended denying relief based upon the other requested relief did not relate to the correction of errors and/or errors of military documents within the applicant's military record. Therefore, the Board recommended those portions of the requested relief be denied.

In relation to the ROTC debt, based upon the available documentation, the findings and recommendations outlined in the G1 advisory opinion, and the lack of any rebuttal submitted by the applicant of those findings, the Board concluded there was insufficient evidence of an error or injustice warranting relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

//SIGNED//

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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. Army Regulation 145-1 (Senior ROTC Program, Organization, Administration and Training) provides that a scholarship cadet may be disenrolled only by the Commanding General, ROTC Cadet Command. The Commanding General, ROTC Cadet Command, is the only authority for discharge of scholarship cadets. ROTC cadets normally will be honorably discharged on the date of disenrollment from the ROTC program, except those ordered to active duty under the terms of their ROTC contract. If not academically enrolled, the cadet will be ordered to active duty 60 days from date of notification of active duty.

a. Cadets assigned to USAR Control Group (ROTC) may be discharged or separated for the convenience of the Government for termination of a scholarship.

b. Cadets assigned to USAR Control Group (ROTC), who are not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC.

c. Scholarship students may be required to repay all or part of their scholarship financial assistance.

d. Paragraph 10-2 (Disenrollment Criteria) subparagraph (b.) provides that when cadets are found to be in breach of their service agreements, under the terms of such contracts their obligation to the Army may be satisfied through enlisted active-duty service or through recoupment of the cost of advanced educational assistance provided by the Army.

2. 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. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement.

b. That if such person failed to complete the education requirements specified in the agreement, such person would serve on active duty for a period specified in the agreement (usually a four-year enlistment at the grade of E-1, in a MOS at the needs of the Army)

c. 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

d. To such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

3. Army Regulation 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

4. Army Regulation 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//