

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20240010378

APPLICANT REQUESTS:

- Correction to her military service record by granting remission or cancellation of indebtedness in the amount of \$38,138.30
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Order Number 0421-110-SG20-13, dated 20 April 2021
- Orders Number A-04-100340, dated 20 April 2021
- DA Form 71 (Oath of Office – Military Personnel), dated 27 May 2021
- Email correspondence
- Memorandum, Subject: Notification of Charge of Officer, dated 24 April 2024 wherein she was informed of the overpayment of Basic Pay in the amount of \$38,138.30 and disagreed with the debt requesting remission or cancellation
- Debt Remission or Cancellation Packet to include the following documents:
 - DA Form 3508 (Application for Remission or Cancellation of Indebtedness), dated 8 May 2024 requesting debt relief
 - Leave and Earnings Statement showing her advance debt in the amount of \$38,138.30
 - Orders Number 0008103388.00, dated 10 May 2024 showing her change of duty station to the Washington D.C area for training as a student
 - DA Form 2823 (Sworn Statement), dated 3 June 2024 wherein she lists the details on how she incurred the debt
 - Memorandum for Assumption of Command
 - Memorandum from Major R-G-, dated 13 June 2024, recommending she be approved for remission or cancellation of her incurred debt
 - Memorandum from Colonel J-W-, dated 14 June 2024, recommending she be approved for remission or cancellation of her incurred debt
 - American Express Account Statements
 - Bank of America Account Statement

- Federal Student Loan Account Statement showing she has an outstanding student loan in the amount of \$33,188.00 as of 4 June 2024
- Email correspondence with accompanying Memorandum, Subject: Remission or Cancellation of Indebtedness, dated 15 July 2024 wherein the U.S. Army Human Resources Command (HRC), Director, Military Pay Division responded to her request for remission or cancellation of her incurred debt stating, in pertinent part, her request was reviewed and denied based upon no grounds existing to remit or cancel the debt based on hardship and/or injustice, referring her to contact the ABCMR for further assistance

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in pertinent part:
 - In 2018, she commissioned and entered the Army Health Professions Scholarship Program (HPSP), and completed 3 years of medical school from 2018 to 2021
 - Following her completion, she was assigned to the Army Medical Student Detachment 187th Medical Battalion at Joint Base San Antonio, Texas with duty at the Augusta University Medical Center, Augusta, Georgia for her residency in June 2021
 - During that time, she received base pay for the grade of captain (CPT)/O-3 with 3 years of service which included her service in HPSP
 - She never received any briefings about her military pay upon entering active duty
 - When hearing that another Soldier in her unit experienced issues with overpayment, she became concerned and immediately sought out guidance from her Human Resources Manager and supervisor, multiple personnel in her chain of command, the DFAS helpline, the base finance contact Ms. L-L, and was told repeatedly there was no debt on her account
 - She never received further communication about the outcome of the review, so she filed a complaint with the IG with also resulted in bad guidance or no action
 - Her paperwork was finally sent for review on 13 February 2024, and on 8 May 2024, she was surprised with a debt notification in the amount of \$38,138.30

- This entire process/experience falls under Army Regulation 600-4 “wrongs or misrepresentation on the part of the Government that are caused by persons acting in their official capacity”
- She submitted her packet for debt remission to HRC on the basis that the debt was an injustice due to multiple oversights, inaction and incorrect guidance from government employees but was denied
- She then requested justification for the debt remittance denial and was essentially told that there was no specific for her packet, however, generally HPSP contract state that the time served during medical school does not count towards pay
- To date she has not received any specific guidance for on Army policy as to why she was denied
- She is not responsible for a \$38,138.30 debt which was charged to her wrongfully, remittance request denied with no specific reason as to why, which results in direct violation of Army policy and is an injustice to her

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

- On 6 September 2018, she accepted a Reserve commission and executed an oath of office. In conjunction, USAREC Form 601-37.28 (Department of the Army Service Agreement F. Edward Herbert Armed Forces Health Professions Scholarship Program (AFHPSP)) was signed agreeing to a 3-year scholarship with 4 years active duty service obligation upon graduation as an officer in the medical corps
- DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers)), dated 27 January 2021 shows she completed her medical degree at the University of Texas Health Science Center and was awarded the entry grade of captain (CPT)
- Order Number 0421-110-SG20-13, dated 20 April 2021 was issued for appointment in the Regular Army Medical Corps in the grade of CPT
- Orders Number A-04-100340, dated 20 April 2021 was issued ordering her to active duty for acceptance of her Regular Army appointment, effective 2 June 2021
- She continues service in the Regular Army

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 was convinced by the applicant’s argument that the debt was due to multiple oversights, inaction and incorrect guidance from government employees. The Board determined she should not be responsible for a \$38,138.30 debt, which was the result of the Health Professions Scholarship Program contract, which states, that the time served during medical school does not count towards pay. The Board determined that through no fault of her own, she was paid for the time served regardless of all the attempts the applicant made to rectify the situation with no result. Therefore, the Board concluded that relief should be granted.

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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XX	XX	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 38,138.30 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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. 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 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 on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.
3. AR 15-185 (Army Board for Correction of Military Records (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//