

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240011430

APPLICANT REQUESTS: in effect, reversal of the U.S. Army Human Resources Command decision to disapprove his request for remission or cancellation of his Family Separation Allowance (FSA) debt.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 2792 (Family Member Medical Summary) dated 5 April 2019, which shows the applicant submitted a request for his spouse to be evaluated and documented for medical needs
- DD Form 3054 (Exceptional Family Member Program (EFMP) Family Needs Assessment) dated 25 April 2019, which shows the EFMP Family Needs Assessment for the applicant's spouse was submitted to assist EFMP Family Support Staff in identifying her needs, information, and referral services
 - The applicant and his family requested for family stabilization at Walter Reed or in the National Capital Region
- EFMP Medical Director Walter Reed-Bethesda Memorandum for Record (MFR) - Subject: Letter of Support for Exception to Policy for Housing Allowance for Ms. R_B_, dependent of [Applicant] dated 8 October 2019, wherein, the medical director stated:
 - The applicant's spouse is a patient who is being "carried" [cared] for at Walter Reed, Bethesda, MD
 - Her care requirements are an "internist 2x a year and adult neurology 4x a year"; both services are available at Walter Reed
 - The family is requesting the exception for housing allowance to allow the spouse to remain at Walter Reed while the applicant will be stationed at a different location
 - Due to the spouse's medical conditions, she is not able to drive and needs support for transportation and childcare
 - The applicant's spouse has family in the National Capital Area who can assist with these needs that are due to a medical condition

- While the medical care can be found at other locations, he would support the exception to policy for the housing allowance because the need for close family support is secondary to a medical condition
- Army Military Pay Office Memorandum - Subject: Notice of Indebtedness for [Applicant] dated 18 December 2023, which notified the applicant that the finance office had identified an outstanding debt to the U.S. Government for an overpayment in FSA in the amount of \$6,833.13 from the time frame of 21 July 2021 to 31 October 2023; the applicant indicated he disagreed with the debt
- DA Form 3508 (Application for Remission or Cancellation of Indebtedness) dated 1 February 2024; which shows the applicant submitted a request for remission or cancellation of indebtedness based on both hardship and injustice
- Applicant's MFR dated 6 February 2024; wherein, he states, after getting selected as an Army Enlisted Commissioning Program (AECP) student, he got a military order to permanent change of station to Salisbury, MD, with family accompanied from Fort Liberty (then Fort Bragg), NC
 - His wife is enrolled in EFMP, and her providers are at Walter Reed, Bethesda, MD
 - He left his family in Gaithersburg, MD, because it was impossible for his wife to travel from Salisbury to Bethesda, approximately 135 miles, for a regular medical checkup
 - His request for BAH based on his family's address was denied
 - Instead, he was asked to complete a request for FSA and received information from his point of contact that the FSA was approved
 - He was surprised to receive the notice of debt from finance and started paperwork to forgive the FSA debt
 - He rented a one-bedroom in Salisbury, MD while he was studying nursing for two years, and his family stayed in Gaithersburg, MD
- Detachment commander's MFR dated 14 February 2024, wherein, the detachment commander recommended approval for the debt remission of the applicant based on no fault of the applicant
- Battalion commander's MFR dated 14 February 2024, wherein, the battalion commander agreed with the detachment commander's recommendation for approval of the debt remission for the applicant

FACTS:**1. The applicant states:**

- "Forgive debt stated by finance on 18 December 2023 and reconsider on the decision and forgive the debt"

- He was provided FSA while attending Salisbury University (AECP)
- His wife is on EFMP, she is monitored by a provider from Walter Reed, Bethesda, MD, so she was living in Gaithersburg, MD which is 150 miles away from Salisbury, MD
- During the two-year period FSA was approved after the paperwork was completed, but on 18 December 2023 he was notified that he owed \$6,833.33 and needed to pay it back
- It was not his fault that he was provided FSA during his nursing school at Salisbury University
- All paperwork was completed by his unit and FSA was approved
- Since, he was away from the family his understanding was that it was correct to receive FSA; however, he requested Basic Allowance for Housing (BAH) based on his family, but he was given BAH based on his school; but since he was away from family, he was given FSA
- If FSA was denied in the first place he would not have been in this situation, but it was approved before and now he has a notice to pay \$6,833.33

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

- On 7 April 2014, the applicant enlisted in the Regular Army
- His record contains a DA Form 5960 (Authorization to Start, Stop, or Change Basic Allowance for Quarters and/or Variable Housing Allowance) dated 15 October 2018, which shows, the applicant submitted a recertification request for BAH with dependents; the duty location was as Walter Reed, Bethesda, MD 20889
- On 9 April 2021, he reenlisted for 6 years
- On 7 July 2021, Orders Number 188-989 reassigned the applicant from Fort Bragg, NC to Fort Sam Houston, TX with duty at Salisbury University, with a report date of 21 July 2021; the additional instructions state:
 - "Dependents: Yes. Soldier is participant in the EFMP; Special educational or medical facilities are required by the Soldier's family members"
 - The applicant will be assigned to "USA Medical Student Detachment, Joint Base San Antonio, TX 78234", and must report no later than 21 July 2021
 - The applicant has been selected to participate in the AECP with duty at Salisbury University, 1101 Camden Ave Salisbury, MD 21801
 - Training will be conducted from 30 August 2021 to 30 May 2023
 - The applicant is accepted into the Army Medical Department Enlisted Commissioning Program with a report date of 21 July 2021

- Report date encompasses 5 days early report, orientation per program manager and quarantine period if as required
- On 30 May 2023, DA Form 1059-1 (Civilian Institution Academic Evaluation Report) shows the applicant completed the bachelor's in nursing course; the duration of the course was from 30 August 2021 to 30 May 2023
- On 24 April 2024, Orders Number A-04-400401 ordered the applicant to active duty, in the rank of second lieutenant, with a report to date to Walter Reed Army Medical Center, Bethesda, MD, on 3 June 2024; the additional instructions state:
 - Dependent travel was authorized
 - Authorized movement of family and shipment of household goods to permanent assignment
- On 8 July 2024, the applicant was honorably discharged to accept a commission in the Army; DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 10 years, 3 months, and 2 days net active service this period
- On 8 July 2024, DA Form 71 (Oath of Office – Military Personnel) shows he was appointed in the Regular "Army Nursing" Corps and executed his oath of office
- On 9 July 2024, DA Form 71 shows he was appointed in the Regular Army Nurse Corps and executed his oath of office
- The applicant is currently serving on active duty

3. The applicant did not provide the HRC disapproval of his request for remission or cancellation of FSA debt and his military record did not contain the disapproval.

4. On 25 April 2025, the Office of the Deputy Chief of Staff G-1, Chief, Military Pay Branch, provided an advisory opinion for this case and recommended the Board disapprove the applicant's application for administrative relief. The G-1 advisory official states:

- a. We recommend the Board disapprove the applicant's application for administrative relief.
- b. The Human Resources Command reviewed the applicant's application for remission or cancellation of indebtedness, and it was disapproved. The review determined that no grounds exist to remit the debt based on hardship and/or injustice. The applicant does not provide any evidence to warrant a correction to the record to authorize payment of FSA.

5. On 30 April 2025, the applicant was provided with a copy of the G-1 advisory opinion to allow for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. One possible outcome, notwithstanding the advisory opine was to grant relief based on the applicant's disabled spouses receiving treatment at Bethesda and Salisbury Maryland was outside the local commuting area. However, upon review of the applicant's petition, available military records, and the Office of the Deputy Chief of Staff G-1, Chief, Military Pay Branch advisory opinion, the Board majority concurred with the advising official recommendation for denial finding no grounds exist to remit the debt based on hardship and/or injustice. The opine noted the applicant does not provide any evidence to warrant a correction to the record to authorize payment of FSA.
2. Additionally, although the applicant's leadership supported approval, the Board determined that there was insufficient justification to overturn the U.S. Army Human Resources Command's decision. As a result, the request for remission or cancellation of the Family Separation Allowance (FSA) debt was denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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			GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:			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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
2. 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 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.
3. 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.

4. Department of Defense (DoD), Financial Management Regulation, Chapter 27 (Family Separation Allowance (FSA) provides policy for FSA. FSA provides compensation for added expenses incurred because of an "enforced family separation" under one of the conditions in subparagraphs 2.3.1.1 through 2.3.1.3. FSA is payable to qualified members serving inside or outside the United States. It is not authorized when a member performs duty at any station under permissive orders (except when subparagraph 4.1.3 applies). The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (USC), section 427 (37 USC, section 427). In part:

a. Paragraph 2.3.1. states, FSA is payable to a member serving in any grade as a member with dependents. The member must meet all general requirements and one of the following conditions:

(1) Paragraph 2.3.1.1. (FSA – R) states, the member's dependents, including dependents acquired after the effective date of Permanent Change of Station (PCS) orders (see Table 27-1 (FSA Commencement Dates), rules 8 and 9), do not live in the vicinity of the member's homeport/Permanent Duty Station (PDS), and their transportation to or near the PDS is not authorized at government expense (see paragraph 4.1). Paragraph 2.3.1.1.2. states, transportation of dependents is authorized at government expense, but member elects an unaccompanied tour of duty because a dependent cannot accompany the member to, or at that homeport/PDS due to certified medical reasons, regardless of the date on which the member first made the election to serve an unaccompanied tour.

(2) Paragraph 2.3.1.3. (FSA – T) states, the member is on Temporary Duty (TDY) or Temporary Assigned Duty (TAD) away from their PDS (PDS pertains to active component) or the home of residence (HOR) (HOR pertains to reserve component) continuously for more than 30 days, and the member's dependents do not reside at or near the TDY or TAD station. This includes members who are required to perform a period of the TDY or TAD before reporting to their initial station of assignment. Members on an unaccompanied tour are entitled to FSA-T for TDY or TAD periods of over 30 continuous days if the member's dependents do not reside at or near the TDY or TAD station and they do not reside near the PDS as defined in paragraph 3.3.

b. Paragraph 2.3.2. (Amount Payable) states, effective 1 October 2002, FSA is payable in a monthly amount of \$250.00.

c. Paragraph 3.3.3. states, if dependents are authorized concurrent travel with the member to the duty station and are subsequently authorized to reside at a point over 50

miles from the member's duty station for personal reasons, rather than as a result of military restriction on dependents' travel, then FSA entitlement does not accrue.

d. Paragraph 3.3.4 states, in questionable cases, commanders may submit requests for determination through channels to the Deputy Chief of Staff, G-1, Washington, DC.

e. Paragraph 4.1 (Entitlement Incident to PCS Reassignments), in pertinent part:

(1) Paragraph 4.1.1. (Continental United States (CONUS) Assignments) states, conditions of FSA entitlement incident to regular CONUS PCS reassessments and permissive PCS reassessments are detailed in subparagraphs 4.1.1.1 through 4.1.1.3.

(2) Paragraph 4.1.1.1 states, entitlement to FSA upon regular PCS is authorized only when movement of a member's dependents to the new PDS is not authorized at government expense.

(3) Paragraph 4.1.1.2. states, a member who is otherwise entitled to transportation of dependents at government expense, but whose dependent cannot accompany the member to or at that homeport/PDS due to certified medical reasons, is entitled to FSA under this subparagraph.

(4) Paragraph 4.1.1.3. states, a member who otherwise is authorized movement of dependents at government expense to PDS is not so authorized when he or she is voluntarily reassigned on PCS under permissive orders. Separation from dependents under these circumstances is not an enforced separation due to government requirements. The member, therefore, is not entitled to FSA under this subparagraph.

(5) Paragraph 4.1.2. (Waiver Provision) states, see subparagraph 4.1.4 for circumstances in which waivers may be granted.

(6) Paragraph 4.1.4. (Unusual Family or Operational Circumstances Defined) states, unusual family or operational circumstances are defined as those in which the Secretary of the Military Department concerned determines that it is in the best interest of the government to permit payment of FSA to members who, through no fault of their own, must relocate in an unaccompanied status under certain circumstances.

(7) Paragraph 4.1.4.1. states, the Military Services may waive provisions of subparagraphs 4.1.1.1, 4.1.1.2, and 4.1.1.3 when it is in the best interest of the government to permit payment to members who, through no fault of their own, must relocate in an unaccompanied status for reasons of equity in the unusual family or

operational circumstances. Waiver under these circumstances is effective upon the date granted. This approval authority is hereby granted to:

- Service Secretaries or their designated representatives at the headquarters level which governs compensation policy; or
- Combatant commands and Service major commands
- Waiver authority should be used prudently

//NOTHING FOLLOWS//