

Relief from Indebtedness to the Army

PURPOSE: Refer to all known methods for obtaining relief from indebtedness to the Army in one paper.

FACTS: There are several different regulations that provide opportunities for a soldier to apply for relief from indebtedness to the Army. There may be more than those listed in this paper; these are just the ones I have found so far.

1. Army Regulation 600-4 Remission or Cancellation of Indebtedness for Enlisted Members. (10 USC 4837) Paragraph 1-6 of that regulation lists the sorts of indebtedness susceptible to remission or cancellation. Not all debts are susceptible. PACs are the group responsible for initiating these requests. Have them do it. Legal Assistance can check their work for you.
2. Army Regulation 37-104-3, Military Pay and allowance Procedures, Joint Uniform Military Pay System-Army (JUMPS-Army). This regulation appears in the Finance Update. Chapter 60, Waiver of United States Claims for Erroneous Payments of Pay and Allowances, sets out the procedures for requesting forgiveness for debts incurred due to the soldier's acceptance of erroneous payments of travel, transportation, and relocation, pay/allowances, when the amount in question is greater than \$500.00. 5 USC 5584 applies to Claims for overpayment of pay and allowances, other than travel and transportation expenses and allowances and relocation expenses. (5 USC 5584, 10 USC 2774, and 32 USC 716; Also applicable are comptroller general's Decisions B-190375 dated 13 June 1978.) POC = Mrs. Inez Harker at Waiver/Records Correction Branch, Adjudication Division 317-542-3261 or DSN 699-3261.
3. Army Regulation 600-8-19, para. 1-17. This provision allows a soldier to keep pay and allowances received due to an erroneous promotion. A soldier must have: promotion orders or DA Form 4187, received pay at the higher pay grade, and accepted the promotion in good faith. When a soldier receives relief under this provision he is granted de facto status.
4. Army Regulation 37-103, para. 4-66. (31 USC 3527) This regulation applies to soldiers who were acting as finance officers and lost funds in the line of duty without fault of their own.
5. Army Regulation 15-185, DD Form 149. Application to the Army Board for Correction of Military Records. (10 USC 1552) This body is a court of last resort. Generally, it will not hear a case until all other administrative avenues for relief have been exhausted. It has subject matter jurisdiction that is broader than its name suggests. A DD Form 149 is attached.
6. Each of the regulations listed is limited in the scope of debts for which it may provide relief. You will probably not be eligible for relief from all of them and you may not be eligible for relief from any of them.

You will not be able to initiate a successful request for relief from indebtedness with the information in this paper. See a Legal Assistance attorney at DLI by calling 242-5083.