The HEA provides unique deferment, forbearance, and other rights for active-duty servicemembers. Both the Department of Education and the Consumer Financial Protection Bureau (CFPB) have online resources and directories to help servicemembers navigate the range of programs and options.

There may be state claims as well to protect servicemembers attending school. For example, Ohio requires that institutions of higher education grant active-duty military students a leave of absence without academic penalty while the student is serving on active duty. There are also provisions for refunds or credits of tuition.

In addition, Congress, in 2008, passed new provisions, including re-admission requirements for servicemembers and prohibitions on interest accrual in the Direct Loan Program. FFEL Consolidation Loan borrowers may reconsolidate with Direct Loans to use this program.

The Servicemembers Civil Relief Act (SCRA) limits collection tactics and enforcement of claims against active-duty military personnel. These protections, as well as SCRA interest rate benefits, are discussed in Chapters 2 and 8, infra.

Military servicemembers may also have claims against the military in cases involving false promises or misrepresentations about educational benefits. These are difficult cases because of the judicial deference to the military and because recruiting violations are generally considered to be internal disciplinary matters with no recourse available for recruits. Limited judicial oversight may be allowed, particularly if the individual has not completed his or her military service and is seeking to rescind the enlistment agreement.

Footnotes


172 [172] See § 1.4.1.3.1 [8], supra.


Regulations now require that FFEL Program loan holders determine which borrowers may be eligible for SCRA benefits and apply those benefits to eligible loans. See, e.g., 34 C.F.R. § 682.202(a)(8) (interest rate caps).

175 [175] Id. The main obstacle is that military enlistment agreements generally do not give rise to contract rights. See, e.g., Sonnenfeld v. United States, 62 Fed. Cl. 336 (Fed. Cl. 2004).

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