

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 March 2024

DOCKET NUMBER: AR20230005541

APPLICANT REQUESTS: in effect,

- 119 retirement points for the retirement year ending on 31 May 2018
- 32 retirement points for the retirement year ending on 31 May 2019
- 39 retirement points for the retirement year ending on 31 May 2020
- 7 retirement points for the retirement year ending on 31 May 2021
- 56 retirement points for the retirement year ending on 31 May 2022

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

- DD Form 149 (Application for Correction of Military Record) hardcopy
- DD Form 149 on-line application
- Joint Knowledge Online (JKO) Certificate of Completion for Senior Enlisted Joint Professional Military Education (SEJPME) II
- DA Form 1059 (Service School Academic Evaluation Report) for Sergeants Major Course (SMC)
- Defense Joint Military Pay System - Reserve Component Master Military Pay Account (DJMS-RC MMPA) for 2019
- DA Form 87 (Certificate of Training) for Structured Self-Development (SSD) Level 5
- DJMS-RC MMPA for 2020
- DJMS-RC MMPA for 2021
- Joint Uniform Military Pay System (JUMPS) Leave and Earnings Statement (LES) dated 5 January 2022
- JUMPS LES dated 1 March 2022
- JUMPS LES dated 11 May 2022
- JUMPS LES dated 30 March 2022
- JUMPS LES dated 1 April 2022
- JUMPS LES dated 11 May 2022
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for the period of 10 through 12 August 2017
- DA Form 1380 for the period of 26 through 28 August 2017

- DA Form 1380 for the period of 7 through 8 August, 14 through 15 August, 21 through 22 August and 28 through 29 August 2017
- DA Form 1380 for September 2017
- DA Form 1380 for October 2017
- DA Form 1380 for November 2017
- DA Form 1380 for December 2017
- DA Form 1380 for January 2018
- DA Form 1380 for February 2018
- DA Form 1380 for May 2018
- DA Form 1380 for June 2018
- DA Form 1380 for August 2018
- DA Form 1380 for October 2018
- DA Form 1380 for May 2020
- DA Form 1380 for June 2020
- 1st Theater Sustainment Command (TSC) Memorandum, Subject: Letter of Lateness for Electronic Based Digital Learning (EBDL) Retirement Points Only

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 effect, he needs his DA Form 5016 (Retirement Accounting Statement) corrected to award him retirement points for Electronic Based Distributed Learning (EBDL) courses which he completed and to add retirement points for duty which he has been paid and was reflected on his DJMS-RC MMPAs.
3. A review of the applicant's service record shows:
 - a. On 2 November 1983, the applicant enlisted in the Army National Guard of the United States (ARNGUS).
 - b. On 21 December 1983, Orders Number 247-2, issued by Headquarters (HQs), [REDACTED] National Guard (IANG), the applicant was ordered to Active Duty for Training (ADT), effective 6 February 1984.
 - c. On 4 July 1984, the applicant was honorably release from ADT. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-months and 29-days of active service.

d. On 1 November 1989, the applicant was honorably discharged from the ARNGUS. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant completed 6-years of service.

e. On 1 June 1992, the applicant enlisted in the ARNGUS and had continuous service through extensions or reenlistments.

f. On 8 March 2000, the applicant was honorably discharged from the ARNGUS. NGB Form 22 shows the applicant completed 7-years, 9-months and 8-days of service.

g. On 9 March 2000, the applicant enlisted in the U.S. Army Reserve (USAR).

h. On 21 May 2002, the applicant enlisted in the ARNG and had continuous service through extensions or reenlistments.

i. On 23 May 2002, Orders Number 02-143-00006, issued by HQs, 95th Division (Institutional Training), the applicant was transferred to the ■■■ ARNG, effective 21 May 2002.

j. On 19 March 2003, Orders Number 078-143, issued by HQs, ■■■ ARNG, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 15 March 2003.

k. On 15 May 2004, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 2-months, and 1-day of active service.

l. On 6 July 2010, Orders Number 187-132, issued by HQs, ■■■ ARNG, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 29 July 2010.

m. The applicant's DD Form 220 (Active Duty Report) shows he was ordered to active duty effective 1 May 2010 via ■■■ ARNG Orders Number 118-099. It also shows he was released from active duty on 28 July 2010 and completed 88-days of active service.

n. On 20 July 2011, Orders Number A-07-115730, issued by the U.S. Army Human Resources Command (HRC), the applicant was retained on active duty effective 20 July 2011 to participate in Reserve component warriors in transition medical retention processing program for completion of medical evaluation.

o. On 15 September 2011, Orders Number A-09-120365, issued by HRC, the applicant was retained on active duty effective 16 September 2011 to participate in

Reserve component warriors in transition medical retention processing program for completion of medical care and treatment.

p. On 25 November 2011, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 3-months and 27-days of active service.

q. NGB Form 23A (ARNG Current Annual Statement) dated 14 June 2018, shows the applicant earned 48 Inactive Duty Training (IDT) points, 15 membership points, and 16 Active Duty Training (ADT) points for a total of 79 creditable points for retired pay for retirement year ending 31 May 2018.

r. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant completed the SMC during the period of 1 August 2017 through 10 May 2019.

s. NGB Form 23A dated 9 September 2019, shows the applicant earned:

- 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points for retired pay for retirement year ending 31 May 2018
- 48 IDT points, 15 membership points and 16 ADT points for a total of 79 creditable points for retired pay for retirement year ending 31 May 2019

t. On 25 February 2020, Orders Number 219317, issued by the ■ ARNG, the applicant was assigned to the USAR Control Group (Individual Ready Reserve (IRR)), effective 26 February 2020. NGB Form 22 shows the applicant completed 17-years, 9-months, and 6-days of service.

u. On 3 March 2020, Orders Number D-03-004971, issued by HRC, the applicant was honorably discharged from the USAR, effective 3 March 2020.

v. On 16 March 2020, Orders Number C-03-003325, issued by HRC, the applicant was reassigned to a USAR Troop Program Unit, HQs, 1st Brigade, effective 16 March 2020. His service record was void of an enlistment in the USAR.

w. On 30 July 2020, Orders Number 20-212-00050, issued by HQs, 88th Readiness Division, the applicant was assigned to the 451st Sustainment Command (Expeditionary) (ESC), effective 1 September 2020.

x. On 19 March 2021, Orders Number C-03-103119, issued by HRC, the applicant was assigned to 2nd Battalion, 104th Regiment, effective 1 April 2021.

y. On 15 November 2022, Orders Number UD-319-0001, issued by the 143rd ESC, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 5 December 2022.

z. On 6 March 2023, Orders Number 4143332, issued by HRC, the applicant was assigned to the 143rd ESC, effective 24 December 2022.

aa. DA Form 5016 dated 27 March 2023 shows the applicant earned for the retirement year ending:

- 1 November 2018 with the ARNG – 0 IDT points, 0 membership points, and 0 ADT points for a total of 0 creditable points
- 1 November 2019 with the ARNG - 0 IDT points, 0 membership points, and 0 ADT points for a total of 0 creditable points
- 25 February 2020 with the ARNG - 0 IDT points, 0 membership points, and 0 ADT points for a total of 0 creditable points
- 31 May 2020 with the TPU – 8 IDT points, 4 membership points, and 0 ADT points for a total of 12 creditable points
- 31 May 2021 with the TPU – 43 IDT points, 15 membership points, and 34 ADT points for a total of 92 creditable points
- 13 November 2022 with the TPU – 52 IDT points, 15 membership points, and 5 ADT points for a total of 72 creditable points
- 25 February 2023 with the TPU – 0 IDT points, 4 membership points, and 88 ADT points for a total of 92 creditable points
- retirement year beginning 26 February 2023 with the ending date blank with the TPU – 0 IDT points, 0 membership points, and 18 ADT points for a total of 18 creditable points

bb. DA Form 5016 dated 21 April 2023 shows the applicant obtained for the retirement year ending:

- 31 May 2018 with the ARNG – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 31 May 2019 with the ARNG - 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- missing period of service of 1 June 2019 through 25 February 2020
- 31 May 2020 with the TPU - 8 IDT points, 4 membership points, and 0 ADT points for a total of 12 creditable points
- 31 May 2021 with the TPU – 43 IDT points, 11 membership points, and 34 ADT points for a total of 88 creditable points
- retirement year beginning on 1 June 2022 with blank end date with the ARNG – 0 IDT points, 6 membership points, and 0 ADT points for a total of 6 creditable points

- missing period of service of 2 June 2022 through 13 November 2022
- 25 February 2023 with the TPU – 0 IDT points, 4 membership points, and 88 ADT points for a total of 92 creditable points
- retirement year beginning on 26 February 2023 with the TPU – 0 IDT points, 2 membership points and 49 ADT points for a total of 51 creditable points

cc. NGB Form 23A dated 28 June 2023 shows the applicant obtained for retirement year ending:

- 31 May 2018 – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 31 May 2019 – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 25 February 2020 – 36 IDT points, 11 membership points, and 0 ADT points for a total of 47 creditable points

dd. DA Form 5016 dated 30 June 2023 shows the applicant obtained for the retirement year ending:

- 31 May 2018 with the ARNG – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 31 May 2019 with the ARNG - 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- missing period of service of 1 June 2019 through 25 February 2020
- 31 May 2020 with the TPU - 8 IDT points, 4 membership points, and 0 ADT points for a total of 12 creditable points
- 31 May 2021 with the TPU – 43 IDT points, 11 membership points, and 34 ADT points for a total of 88 creditable points
- Missing period of service of 1 June 2021 through 31 May 2022
- 31 May 2023 with the ARNG – 0 IDT points, 6 membership points and 0 ADT points for a total of 6 creditable points
- missing period of service of 2 June 2023 through 13 November 2022
- 25 February 2023 with the TPU – 0 IDT points, 4 membership points, and 88 ADT points for a total of 92 creditable points
- retirement year beginning on 26 February 2023 with the TPU – 0 IDT points, 2 membership points, and 125 ADT points for a total of 127 creditable points

ee. DA Form 5016 dated 5 July 2023 shows the applicant earned for the retirement year ending:

- 31 May 2018 with the ARNG – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points

- 31 May 2019 with the ARNG - 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 25 February 2020 with the ARNG – 36 IDT points, 11 membership points, and 0 ADT points for a total of 47 creditable points
- 31 May 2020 with the TPU - 8 IDT points, 4 membership points, and 0 ADT points for a total of 12 creditable points
- 31 May 2021 with the TPU – 43 IDT points, 15 membership points, and 34 ADT points for a total of 92 creditable points
- 31 May 2022 with TPU – 52 IDT points, 15 membership points, and 5 ADT points for a total of 72 creditable points
- 13 November 2022 with the TPU – 25 IDT points, 7 membership points, and 9 ADT points for a total of 41 creditable points
- 31 May 2023 with the TPU – 0 IDT points, 8 membership points, and 183 ADT points for a total of 191 creditable points
- retirement year beginning on 1 June 2023 with the year ending blank with the TPU – 0 IDT points, 0 membership points, and 30 ADT points for a total of 30 creditable points

ff. On 6 October 2023, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 10-months and 2-days of active service.

gg. DA Form 5016 dated 11 December 2023 shows the applicant earned for the retirement year ending:

- 31 May 2018 with the ARNG – 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 31 May 2019 with the ARNG - 48 IDT points, 15 membership points, and 16 ADT points for a total of 79 creditable points
- 25 February 2020 with the ARNG – 36 IDT points, 11 membership points, and 0 ADT points for a total of 47 creditable points
- 15 March 2020 with the IRR – 0 IDT points, 0 membership points, and 0 ADT points for a total of 0 creditable points
- 31 May 2020 with the TPU - 8 IDT points, 4 membership points, and 0 ADT points for a total of 12 creditable points
- 31 May 2021 with the TPU – 43 IDT points, 15 membership points, and 34 ADT points for a total of 92 creditable points
- 31 May 2022 with TPU – 52 IDT points, 15 membership points, and 5 ADT points for a total of 72 creditable points
- 13 November 2022 with the TPU – 25 IDT points, 7 membership points, and 9 ADT points for a total of 41 creditable points
- 31 May 2023 with the TPU – 0 IDT points, 8 membership points, and 183 ADT points for a total of 191 creditable points

- 30 October 2023 with the TPU – 0 IDT points, 6 membership points, and 128 ADT points for a total of 134 creditable points
- 31 October 2023 with the retired reserve

hh. DA Form 5016 dated 12 December 2023 shows the applicant earned the same number of points as the DA Form 5016 dated 11 December 2023.

ii. On 17 January 2024, Orders Number 7010348, issued by the 143rd ESC, the applicant was assigned to the USAR Control Group (Retired Reserve), effective 31 October 2023.

jj. DA Form 5016 dated 19 January 2024 shows the applicant earned the same number of retirement points as the DA Form 5016 dated 11 December 2023.

4. The applicant provides:

a. JKO SEJPME II course completion certificate which shows the applicant completed 45-hours of online instruction on 12 July 2017.

b. DJMS-RC MMPA for year 2019, the highlighted dates missing from his DA Form 5016:

- 1 through 2 June 2019 for 2 IDT points per day
- 13 through 14 July 2019 for 2 IDT points per day
- 3 through 4 August 2019 for 2 IDT points per day
- 7 through 8 September 2019 for 2 IDT points per day
- 10 October 2019 for 1 IDT point
- 19 October 2019 for 2 IDT points
- 20 October 2019 for 1 IDT point
- 2 through 3 November 2019 for 2 IDT points per day
- 7 through 8 December 2019 for 2 IDT points per day

c. DA Form 87 which show the applicant completed SSD Level 5 on 7 May 2020.

d. DJMS-RC MMPA for year 2020, the highlighted dates missing from his DA Form 5016:

- 4 through 5 January 2020 for 2 IDT points per day
- 1 through 2 February 2020 for 2 IDT points per day

d. DJMS-RC MMPA for year 2021, the highlighted dates missing from his DA Form 5016:

- 5 through 6 June 2021 for 2 IDT points per day
- 23 June 2021 for 1 IDT point
- 27 through 30 June 2021 for 1 active duty point per day
- 1 July 2021 for 1 active duty point
- 10 through 11 July 2021 for 2 IDT points per day
- 9 through 12 September 2021 for 2 IDT points per day
- 14 through 17 October 2021 for 2 IDT points per day
- 11 through 12 December 2021 for 2 IDT points per day

e. JUMPS LES dated 5 January 2022, which show the applicant performed IDT on 11 through 12 December 2021.

f. JUMPS LES dated 1 March 2022, which shows the applicant performed IDT on 17 through 20 February 2022.

g. JUMPS LES dated 11 May 2022, which shows the applicant performed additional assembly for nuclear training on 27 April 2022.

h. JUMPS LES dated 30 March 2022, which shows the applicant performed IDT on 19 through 20 March 2022.

i. JUMPS LES dated 1 April 2022, which shows the applicant performed IDT on 21 through 22 March 2022.

j. JUMPS LES dated 11 March 2022, which shows the applicant performed active duty on 21 through 25 February 2022.

k. DA Form 1380 from the Commander, 143rd ESC dated 28 April 2023, which shows the applicant completed 8-hours of duty during the period of 10 through 12 August 2017 completing SEJPME to be awarded 2 non-paid retirement points each day. The DA Form 1380 was digitally signed on 28 April 2023 by Major (MAJ) [REDACTED] Assistant Chief of Staff (ACofS), G6 as the officer who had knowledge the applicant performed the duty.

l. DA Form 1380 from the Commander, 143rd ESC dated 28 April 2023, which shows the applicant completed 8-hours of duty during the period of 26 through 27 August 2017 to be awarded 2 non-paid retirement points each day and 4-hours on 28 August 2017 completing SEJPME to be awarded 1 non-paid retirement point. The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

m. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 7 through 8 August 2017
- 14 through 15 August 2017
- 21 through 22 August 2017
- 28 through 29 August 2017

The DA Form 1380 was not signed by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

n. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 4 through 5 September 2017
- 11 through 12 September 2017
- 18 through 19 September 2017
- 25 through 26 September 2017

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

o. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 2 through 3 October 2017
- 9 through 10 October 2017
- 16 through 17 October 2017
- 23 through 24 October 2017
- 30 through 31 October 2017

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

p. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 6 through 9 November 2017
- 20 through 21 November 2017

- 27 through 28 November 2017

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

q. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of 9 through 12 December 2017. The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

r. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 15 through 16 January 2018
- 22 through 23 January 2018
- 29 through 30 January 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

s. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 5 through 6 February 2018
- 19 through 20 February 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

t. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 7 through 8 May 2018
- 14 through 15 May 2018
- 21 through 22 May 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

u. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 11 through 12 June 2018
- 18 through 20 June 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

v. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 6 through 7 August 2018
- 13 through 14 August 2018
- 20 through 21 August 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

w. DA Form 1380 from the Commander, 143rd ESC dated 27 April 2023, which shows the applicant completed 8-hours of duty completing SMC to be awarded 2 non-paid retirement points for the period of:

- 8 October 2018
- 15 through 16 October 2018
- 29 through 30 October 2018

The DA Form 1380 was digitally signed on 28 April 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

x. DA Form 1380 from the Commander, 143rd ESC dated 1 May 2023, which shows the applicant completed 4-hours of duty each day completing SSD Level 5 to be awarded 1 non-paid retirement point for each day for the period of 28 through 30 May 2020. The DA Form 1380 was digitally signed on 1 May 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

y. DA Form 1380 from the Commander, 143rd ESC dated 1 May 2023, which shows the applicant completed 4-hours of duty each day completing SSD Level 5 to be awarded 1 non-paid retirement point for each day for the period of 1 through 7 June 2020. The DA Form 1380 was digitally signed on 1 May 2023 by MAJ [REDACTED] ACofS, G6 as the officer who had knowledge the applicant performed the duty.

z. 1st TSC Memorandum dated 2 May 2023, Subject: Letter of Lateness for EBDL Retirement Points Only which stated the applicant's DA Forms 1380 were being submitted late due to not being processed at the time the courses were completed due to no fault of the applicant. It was understood the late submission may result in the retirement points not being awarded.

5. On 28 February 2024, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded retirement points. The advisory official stated after review of the applicant's documents, it was recommended he not be granted relief. The DA Forms 1380 are inaccurate. As an example, the DA Form 1380 for June 2020, the applicant would only be awarded three retirement points for the 28-hours of Structured Self-Development Level 5 versus the seven that he requested.

6. On 29 February 2024, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. 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 relief is not warranted.

2. The Board noted the advisory official's finding that the DA Forms 1380 provided by the applicant are inaccurate and concurred with the conclusion that these forms should not be used as a basis for the requested relief. The Board determined the applicant has not provided sufficient documentation to support the addition of any retirement points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

6/27/2024

X

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, USC, 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 (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). It does not contain guidance on preparation for order to active duty under a mobilization situation.

a. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3–28 (Army correspondence courses), USAR Soldiers who cannot take part in Reserve duty training, or wish to augment this training, may enroll in Army correspondence courses. Retirement points will be credited at the rate of 1 point for each 3 credit hours of nonresident instruction successfully completed. Correspondence courses, when used by a unit as part of an IDT training schedule, will not be credited to the Soldier for retirement point credit. IDT pay is not authorized for correspondence courses.

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes the types of training and activities or which retirement points are authorized and the procedures for recording retirement point credits and training for members of the USAR Soldiers.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year area. Maximum-365 (366 during leap year) points. Maximum for inactive duty training (IDT) 60 points for IDT and membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

c. Paragraph 2-4 (Criteria for awarding retirement points), personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 point for each calendar day they serve in one of these categories and may not be awarded additional points for other activities while in such status. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- Two-hour rule; Soldiers earn one point for each IDT period per day for funeral honors duty with a maximum of one point per calendar day
- Four/eight-hour rule; Soldiers earn one point for each 4 hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8 hours for a maximum of two points in 1 calendar day

- Eight-hour rule; approved electronic-based distributed learning (EBDL) courses will be awarded to members of the Selected Reserve (TPU), subject to available funding, and as pre-approved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed

d. Table 2-1 (Award of IDT retirement points) rule 4; completed Army correspondence course non-resident instruction as a Selected Reserve Soldier will be awarded 1 point for each 3 credit hours satisfactorily completed. Rule 11; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier will be awarded points under the 2-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA. Four-hour rule applies for these periods.

e. Table 2-1 (Award of IDT retirement points) rule 5; performs EBDL utilizing ATAs, a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule, only 12 ATAs authorized per anniversary year. Rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

f. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Forms 1380 will not be entered into ADARS and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

g. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

h. Paragraph 3-4 (EBDL), Soldiers may only receive compensation and retirement credit for EBDL courses listed in ATRRS after command pre-approval. Additional EBDL for Reserve compensation are authorized only for SELRES Soldiers in the paid drill strength of the Army Reserve, including drilling IMA Soldiers. Periods of duty used to complete EBDL courses in lieu of regularly scheduled IDT periods will not exceed four periods per fiscal year. The commander, USARC reserves the right to authorize additional drill assemblies while the mandate is unfunded. No more than 12 total additional training assemblies will be performed by any one individual per calendar year. Commanders will ensure that coursework authorized for additional training periods for EBDL is not completed during any other type of training or duty periods. Each 4-hours of successfully completed qualifying EBDL coursework in lieu of regularly scheduled

IDT periods will earn a Soldier credit for completion of one additional training period, paid, and one Reserve retirement point. For all training assemblies in excess of 12, a Soldier will earn one additional paid training period and one Reserve retirement point for each 8-hours of successfully completed qualifying EBDL coursework. These are categorized as IDT points and are subject to the annual limit on Reserve retirement points that may be credited in an anniversary year toward retired pay. For EBDL work that totals fewer than 4-hours (in lieu of regularly scheduled IDT periods) or 8 hours (ATA), Soldiers should aggregate the EBDL in multiples of 4-hours or 8-hours to establish IDT periods and determine eligibility for Reserve compensation and Reserve retirement points. Initiate payment only when a Soldier satisfactorily completes a directed EBDL course. Soldiers will not be awarded payment for EBDL completion until the Soldier is issued a DA Form 87 (Certificate of Training) or equivalent proof of completion. All EBDL courses list academic hours in ATRRS, which should be used to calculate compensation. Soldiers are awarded the academic hours listed in ATRRS regardless of the time actually required by the Soldier to complete the EBDL course. Units will record EBDL completion for which a Soldier is compensated on a DA Form 1380 as paid IDT.

4. Department of Defense Instruction (DoDI) 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours. One retirement point for members of the Selected Reserve after successfully completing non-resident training and education in an active status for each 4 hours of pay received. A period of non-resident training and education using electronic-based distributed learning methodologies must last at least 4 hours. The Service member must certify that he or she completed it.

5. Title 37 USC, section 206 (Reserves; members of National Guard: inactive-duty training), d (2), a member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member, upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor. A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed

during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

6. DoDI 1215.21 (Reserve Component (RC) Use of EBDL Methods for Training), Establishes policy, assigns responsibilities, and provides procedures for members of the Selected Reserve to use electronic-based distributed learning (DL) methods to conduct training away from scheduled unit training assemblies or apart from other collective training time. To be considered for compensation, the proposed qualifying DL training courses must: (1) Be delivered via DL methodologies. (2) Support required training related to unit readiness or mobilization. Training requirements related to unit readiness or mobilization may include courses supporting completion of specific occupational skill qualification, expeditionary, or combat skills training, and annual ancillary/general military training.

//NOTHING FOLLOWS//