

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20230006524

APPLICANT REQUESTS: in effect, 11 retirement points for the retirement year ending on 14 March 2020 for duties performed on 14 and 15 September 2019, 18 through 25 September 2019, and 26 September 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for period of 14 through 15 September 2019
- DA Form 1380 for period of 18 through 25 September 2019
- DA Form 1380 for period of 26 September 2019
- U.S. Army John F. Kennedy Special Warfare Center and School Certificate of Training
- Integrated Personnel and Pay System – Army (IPPS-A) screenshot

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 requests the correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded 11 non-paid retirement points for the retirement year ending on 14 March 2020 for:

- Unit Training Assembly (UTA) during the period of 14 through 15 September 2019
- Civil Affairs (CA) Captain Career Course (CCC) during the period of 18 through 26 September 2019

He requested to be awarded non-paid points for this duty because his unit did not have the funds to pay him. He submitted the DA Forms 1380; however, they were never processed.

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

a. The applicant enlisted in the U.S. Army Reserve (USAR) on 15 March 2001 and had continuous service through reenlistments.

b. On 15 March 2001, Orders Number 52-11, issued by the Military Entrance Processing Station (MEPS) Harrisburg, the applicant was ordered to Initial Active Duty for Training (IADT), effective 13 June 2001, to attend Basic Combat Training.

c. The applicant was released from active duty on 24 August 2001. DD Form 220 (Active Duty Report) shows the applicant completed 73-days of active service.

d. On 16 October 2002, Orders Number 205-2, issued by the MEPS Harrisburg, the applicant was ordered to IADT effective 16 October 2002 to attend Advanced Individual Training.

e. The applicant was released from active duty on 11 December 2002 with an uncharacterized character of service after completing 6-weeks of the Transportation Management Coordinator Course (military occupational specialty 88N). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 1-month and 26-days of active service.

f. On 24 February 2005, Orders Number 05-055-00067, issued by the 99th Regional Readiness Command, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 1 March 2005.

g. The applicant was honorably released from active duty on 6 April 2006. DD Form 214 shows the applicant completed 1-year, 1-month and 6-days of active service.

h. On 20 May 2010, the applicant executed his oath of office and was appointed a Reserve commissioned officer.

i. On 15 June 2010, Orders Number 10-166-00011, issued by the 99th Regional Support Command (RSC), the applicant was honorably discharged from the USAR for an appointment as an officer, effective 19 May 2010.

j. On 21 June 2010, Orders Number C-06-009188, issued by the U. S. Army Human Resources Command (HRC), the applicant was appointed in the USAR and assigned to a Troop Program Unit (TPU), effective 20 May 2010.

k. The applicant's DD Form 214 shows he was ordered to active duty for training (ADT) effective 26 September 2010. It also shows the applicant completed 4-months and 22-days of active service.

l. On 6 November 2013, Orders Number 13-310-00002, issued by Headquarters (HQs), 63rd RSC, the applicant was assigned to the USAR Control Group (Reinforcement), effective 15 December 2013.

m. On 2 October 2015, Orders Number C-10-514240, issued by HRC, the applicant was assigned to the USAR Control Group (Individual Mobilization Augmentee (IMA)), effective 2 October 2015.

n. On 26 June 2018, Orders Number C-06-807711, issued by HRC, the applicant was assigned to a USAR TPU, effective 25 June 2018.

o. The applicant's U.S. Army John F. Kennedy Special Warfare Center and School Certificate of Training shows the applicant completed 75-hours of digital learning to complete the Civil Affairs (CA) CCC on 26 September 2019.

p. The applicant's DA Form 1380 from C Company (CO), 489th CA Battalion (BN) dated 1 October 2019 which shows the applicant conducted 4-hours of duty on each day for the period of 14 through 15 September 2019 attending the Staff Training Exercise during the Unit Training Assembly (UTA). He requests to be awarded two non-paid retirement points. The DA Form 1380 was signed by the applicant's CO commander (CDR) Captain (CPT) J- B-.

q. The applicant's DA Form 1380 from C CO, 489th CA BN dated 2 October 2019 which shows the applicant conducted 4-hours of duty on each day for the period of 18 through 25 September 2019 completing his CA CCC Phase Three through digital learning. He requests to be awarded eight non-paid retirement points. The DA Form 1380 was signed by the applicant's CO CDR CPT J- B-.

r. The applicant's DA Form 1380 from C CO, 489th CA BN dated 2 October 2019 which shows the applicant conducted 4-hours of duty on 26 September 2019 completing his CA CCC Phase Three through digital learning. He requests to be awarded one non-paid retirement points. The DA Form 1380 was signed by the applicant's CO CDR CPT J- B-.

s. On 7 May 2020, Orders Number 025821, issued by HQs, CA and Psychological Operations (PSYOPS) Command, the applicant was ordered to ADT, effective 15 May 2020 to attend CCC Phase Four Distributed Learning.

t. The applicant's DA Form 1059 (Service School Academic Evaluation Report) shows the applicant completed the CA CCC (Reserve Component) during the period of 17 May through 13 June 2020.

u. DA Form 5016 dated 13 April 2023 shows the applicant obtained 45 Inactive Duty Training (IDT) points, 15 membership points, 8 Active Duty Training (ADT) points for a total of 69 creditable points for retirement year ending 14 March 2020.

v. On 7 September 2023, Orders Number UT-250-0006, issued by HQs, U.S. Army CA and PSYOPS Command, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 14 December 2023.

4. The applicant provides a screenshot of a IPPS-A, Personnel Action Request which shows a request for retirement points was reviewed on 18 May 2023, the reviewing official commented that IPPS-A had a restriction which prevented the processing of DA Forms 1380 for retirement points for duty that was conducted prior to 14 November 2022. The official advised the applicant to submit the request to the Army Review Boards Agency (ARBA).

5. On 18 October 2023, 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 determined he should be awarded nine retirement points. The course was 75-hours in length and one point is awarded for every 8-hours of course work. It was recommended he be granted partial relief.

6. On 19 October 2023, the ARBA, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's School Certificate of Training shows he completed 75-hours of digital learning to complete the Civil Affairs (CA) CCC on 26 September 2019. The Board reviewed and agreed with the USARC determination that the applicant should be awarded nine (9) points based off AR 140-185. The course was 75 hours long and one point is awarded for every eight hours. Partial administrative relief granted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

■           ■           ■           GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the corrections addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 9 qualifying retirement points on the dates reflected on his DA Forms 1380, provided all other criteria is met.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.



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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending December 11, 2002, by:

- Delete: Item 24 (Character of Service): Uncharacterized

- Add: Item 24: Honorable
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
- DD Form 214 service ending December 11, 2002
  - Military Entrance Processing Station (MEPS) Harrisburg, Orders Number 52-11
  - MEPS Harrisburg Orders Number 205-2
  - Army Regulation 635-8 (Personnel Separations – Separation Processing and Documents)
3. Please correct the applicant's DD Form 214 by deleting/adding the items shown in paragraph 1 above. Provide the applicant a copy of the corrections, and as applicable the medals and citations. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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. 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.
3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

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. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points, with the exception of the 2 hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve 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 training of individual Soldier in a non-pay status.

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 5; performs electronic-based distance learning (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.

e. 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.

f. 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.

g. Paragraph 3-4 (Electronic-based distance learning), 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 United States Code (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 Electronic-based Distributed Learning 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//