

IN THE CASE OF: ██████████

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230007791

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 26 June 2023 were accepted and added to his record for the anniversary years –

- 19 April 2021 to 18 April 2022
- 19 April 2022 to 13 November 2022
- 14 November 2022 to 18 April 2023

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Record (MFR) - Subject: Required Electronic-Based Distributed Learning (EBDL) Authorization for [applicant], 1 January 2022
- U.S. Army Reserve Command (USARC) approved EBDL list, 21 March 2022
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report), 21 December 2022
- DA Forms 1380, 26 June 2023
- DA Form 5016 (Chronological Statement of Retirement Points), 14 October 2023

FACTS:

1. The applicant states he is requesting EBDL credit/Retirement Points for completion of the Army Operations Course. His higher command will not process points older than 60 days. Due to lapse in time, Integrated Personnel and Pay System-Army (Integrated Personnel and Pay System – Army) transition, proper procedure of formatting and submission led to delays. It was not unjust, just errors in submission. The completed packet was rejected again today. He was informed that his higher command 108th will not process retirement points older than 60 days.

2. A review of the applicant's official records show the following:

a. Having prior enlisted service in the U.S. Army Reserve (USAR), DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve

commissioned officer and executed his oath of office on 1 July 2001.

b. On 21 May 2009, the U.S. Army Human Resources Command issued him a Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter).

c. On 21 December 2022, DA Form 1059-2 shows he achieved course standards and completed the Intermediate Level Education (ILE) - Advanced Operations Course (AOC). It also shows the duration of the course was from 17 January to 21 December 2022.

d. His record contains DA Form 5016 (Retirement Accounting Statement) dated 8 March 2024, which shows the applicant's total career retirement points earned as 1296 Inactive Duty Training (IDT), 150 extension course, 525 membership, 2728 Active Duty Training (ADT), 34 years qualifying for retirement, 4699 points earned and 4662 points creditable. In pertinent part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 19 April 2021 to 18 April 2022 – 50 IDT, 15 membership, 34 ADT, 1 year qualifying for retirement, 99 points earned and 99 points creditable
- 19 April 2022 to 13 November 2022 – 25 IDT, 9 membership, 16 ADT, 6 months and 25 days qualifying for retirement, 50 points earned and 50 points creditable
- 14 November 2022 to 18 April 2023 – 20 IDT, 6 membership, 17 ADT, 5 months and 5 days qualifying for retirement, 43 points earned and 43 points creditable

e. DA Form 5016 (Chronological Statement of Retirement Points) dated 4 April 2024, shows, in pertinent part, a total of 1182 IDT points, 150 extension course points, 510 membership points, 2683 ADT points, 33 years qualifying for retirement, and 4488 points creditable. It does not show retirement points for two of the anniversary years in question; however, it shows for the completed anniversary year 19 April 2021 to 18 April 2022, he earned:

- 50 IDT points
- 15 membership points
- 34 ADT points
- 1 year qualifying for retirement
- 99 total points creditable

3. In support of his case the applicant provides:

a. MFR - Subject: Required EBDL Authorization for [applicant], dated

1 January 2022, which states, upon successful completion of the course, provide his supervisor with a DA Form 87 (Certificate of Completion), a DA Form 1380, and this memorandum in order to be compensated with payment of Additional Duty Assemblies Distance Learning (ADADL) and Reserve retirement points. One (1) retirement point is awarded and one ADADL is paid for each eight (8) hours of coursework. No more than 24 total ADADLs will be performed by any one individual per year.

b. USARC approved EBDL list, dated 21 March 2022, which shows the approved EBDL course numbers, titles, and hours. In relevant part, it shows the ILE AOC was 327 hours, effective 19 November 2012.

c. DA Forms 1380 dated 26 June 2023, which were submitted for points only for the completed anniversary years from 19 April 2021 to 18 April 2023. The forms are signed by the Brigade Commander, Colonel [REDACTED] and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 18, 25 and 27 January 2022 – for 4 hours each day, N-1 (nonpaid); at his Home of Record (HOR); he completed coursework for the ILE AOC, Totaling: 1.5 points
- 8, 15, 17 19 and 22 February 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 2.5 points
- 8, 13, 14, 15, 22 and 30 March 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points
- 5, 12, 15, 19, 22 and 26 April 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points
- 3, 10, 17, 19, 24 and 29 May 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points
- 7, 14, 21, and 28 June 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 2 points
- 8, 12, 19 and 26 July 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 2 points
- 2, 9, 16, 19, 23, 25, 26 and 30 August 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 4 points
- 6, 13, 15, 20, 27 and 28 September 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points
- 4, 11, 18, 19, 25 and 27 October 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points
- 1, 8, 9, 15, 21 and 22 November 2022 – for 4 hours each day, N-1 (nonpaid); at his HOR; he completed coursework for the ILE AOC, Totaling: 3 points

4. On 4 November 2023, the Headquarters, USARC, Chief, Soldier Programs Branch provided an advisory opinion for this case and recommended granting full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined he should be awarded 40 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The course was 327 hours, and one (1) point is awarded for every eight (8) hours.

5. On 10 November 2023, the applicant was provided a copy of the USARC advisory opinion 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 relief is warranted.

2. The Board concurred with the advisory official's conclusion that the evidence supports the relief the applicant has requested. The Board determined the DA Forms 1380 provided by the applicant in support of his application should be processed and the retirement points documented on the forms should be added to his record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by processing the DA Forms 1380 provided by the applicant in support of his application and adding the retirement points documented on the forms to his record.

9/3/2024

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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. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and

retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, a qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points.

c. Paragraph 2-4b(5) (Criteria for awarding retirement points) states, in accordance with the eight-hour rule, approved 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. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record IDT by —

(1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points).

e. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the month's report and then place in the appropriate Army records information

management system file. Nonpaid 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. DA Form 1380 will be scanned into the Soldier's integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

//NOTHING FOLLOWS//