

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 24 April 2024

DOCKET NUMBER: AR20230009028

APPLICANT REQUESTS: in effect, correction of her record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 14 April 2023 were accepted and added to her record for the anniversary years –

- 9 February 2010 to 8 February 2011
- 9 February 2013 to 8 February 2014
- 9 February 2019 to 8 February 2020
- 9 February 2021 to 8 February 2022

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Record (MFR) – Subject: Late Submission of Duty for Points Only, 14 April 2023
- DA Forms 1380, 14 April 2023

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 her retirement point statement requires additional points for extension course points more than one year old. She is missing extension course retirement points because she did not realize they were not added automatically.
3. A review of the applicant's official record shows the following:
 - a. She enlisted in the U.S. Army Reserve (USAR) on 9 February 2001 and reenlisted on 23 October 2008.

b. On 27 September 2014, DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows she extended in the USAR (Troop Program Unit (TPU)) for 1 year.

c. She reenlisted again in the USAR (TPU) on 15 October 2015 and extended on 6 May 2020 for 2 years, which changed her expiration of term of service to 23 October 2023.

d. On 10 March 2021, the U.S. Army Human Resources Command (HRC) issued her a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

e. On 23 February 2022, HRC published Orders Number T-02-201143, which ordered the applicant to active duty for training for a period of 15 days to attend Phase 3 of the U.S. Army Sergeants Major Academy at Fort Bliss, TX, with a report date of 25 February 2022.

f. On 4 May 2023, the Department of the Army published Orders Number 0004635547.00, which assigned the applicant to the USAR Retired Reserve, effective 30 June 2023.

g. On 1 December 2023, the Department of the Army published Orders Number 0006706131.00, which assigned the applicant to the USAR Control Group (Reinforcement), effective 1 December 2023.

h. On 8 December 2023, the Department of the Army published Orders Number 0006769588.00, which assigned the applicant to her unit as an Operations Sergeant Major (Individual Mobilization Augmentee), effective 15 December 2023.

i. Her record contains DA Form 5016 (Retirement Accounting Statement) dated 30 December 2023, which shows the applicant's total career retirement points earned as 1044 Inactive Duty Training (IDT), 56 extension course, 337 membership, 1380 Active Duty Training (ADT), 22 years qualifying for retirement, 2774 points earned and 2774 points creditable. In pertinent part, it also shows for the completed anniversary years listed below she earned the following retirement points:

- 9 February 2010 to 8 February 2011 – 52 IDT, 15 membership, 37 ADT, 1 year qualifying for retirement, 104 points earned and 104 points creditable
- 9 February 2013 to 8 February 2014 – 69 IDT, 15 membership, 25 ADT, 1 year qualifying for retirement, 109 points earned and 109 points creditable
- 9 February 2019 to 8 February 2020 – 48 IDT, 15 membership, 9 ADT, 1 year qualifying for retirement, 72 points earned and 72 points creditable
- 9 February 2021 to 8 February 2022 – 89 IDT, 15 membership, 27 ADT, 1 year qualifying for retirement, 131 points earned and 131 points creditable

j. DA Form 5016 (Chronological Statement of Retirement Points) dated 12 April 2024, shows, in pertinent part, a total of 981 IDT points, 56 extension course points, 315 membership points, 1365 ADT points, 21 years qualifying for retirement, and 2674 points creditable. It also shows for the completed anniversary years listed below she earned the following retirement points:

- 9 February 2010 to 8 February 2011 – 52 IDT, 15 membership, 37 ADT, 1 year qualifying for retirement, and 104 total points creditable
- 9 February 2013 to 8 February 2014 – 69 IDT, 15 membership, 25 ADT, 1 year qualifying for retirement, and 109 total points creditable
- 9 February 2019 to 8 February 2020 – 48 IDT, 15 membership, 9 ADT, 1 year qualifying for retirement, and 72 total points creditable
- 9 February 2021 to 8 February 2022 – 89 IDT, 15 membership, 27 ADT, 1 year qualifying for retirement, and 131 total points creditable

4. In support of her case the applicant provides:

a. MFR – Subject: Late Submission of Duty for Points Only, dated 14 April 2023, wherein, the unit commander states, the applicant has accrued correspondence course points throughout her career. We were unaware that these DA Forms 1380 needed to be submitted within one month of duty completion. The applicant will ensure that all future duty is submitted in a timely fashion in accordance with regulatory guidance.

b. DA Forms 1380 dated 14 April 2023, which were submitted for points only for the completed anniversary years from 9 February 2010 to 8 February 2022. The forms are signed by the S-1 Officer in Charge, Major [REDACTED] and show the applicant's dates, hours, retirement points, location of duties, nature of duties performed, training or instruction performed, as follows:

- 3 November 2010 – for 4 hours, "N-1" (nonpaid), at [REDACTED] she completed coursework for the Composite Risk Management Basic Course; Totaling: .5
- 17 December 2010 – for 4 hours, N-1 (nonpaid), at [REDACTED] she completed coursework for the Battle Staff Course; Totaling: .5
- 18 to 25 December 2010 – for 8 hours each day, "N-2" (nonpaid), at [REDACTED] she completed coursework for the Battle Staff Course; Totaling: 8
- 23 to 28 April 2013 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] she completed coursework for the Structured Self-Development Level 4 Course; Totaling: 6

- 1, 2, 3 and 5 May 2013 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the Structured Self-Development Level 4 Course; Totaling: 4
- 2 January 2020 – for 4 hours, N-1 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the Supervisor Development Course; Totaling: .5
- 3 to 6 January 2020 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the Supervisor Development Course; Totaling: 4
- 9 to 19 May 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the U.S. Army Sergeants Major Academy (USASMA), Phase 1; Totaling: 11
- 20 May 2021 – for 8 hours, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 1; Totaling: 1
- 24 to 30 May 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 1; Totaling: 7
- 1 to 4 June 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 1; Totaling: 4
- 18 June 2021 – for 8 hours, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 1; Totaling: 1
- 20 to 30 June 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 1; Totaling: 11
- 21 to 25 December 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 2; Totaling: 5
- 26, 27, 29, 30 and 31 December 2021 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 2; Totaling: 5
- 1, 2, 3, 4, 5, 8 and 9 January 2022 – for 8 hours each day, N-2 (nonpaid), at [REDACTED] [REDACTED] she completed coursework for the USASMA, Phase 2; Totaling: 7

5. On 7 December 2023, the HRC, Chief, Personnel Services Division provided an advisory opinion for this case and stated:

a. This memorandum is in response to the Army Review Boards Agency's request for an advisory opinion dated 21 November 2023 on behalf of the applicant's request for

nonpaid retirement points for courses completed in November and December 2010, April and May 2013, January 2020, May, June and December 2021, and January 2022.

b. Requests for retirement points for completion of Distance Learning courses prior to 14 April 2016 were not to be submitted using a Record of Individual Performance of Reserve Duty Training (DA Form 1380). The required documents for awarding retirement points are the course completion certificate or the Army Training Requirements and Resources System Transcript (ATRRS). Retirement points were awarded at the rate of 1 retirement point for every 3 course hours completed.

c. Effective 15 April 2016, completion of Distance Learning for nonpaid retirement points was removed from Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The National Defense Authorization Act for Fiscal Year 2022, Public Law 107-107, section 603, authorized compensation to members of the Selected Reserve for completion of Electronic-Based Distance Learning (EBDL). Commanders may direct Soldiers to enroll in and complete EBDL, provided this direction is in writing and funds are available for compensation prior to the Soldier's enrollment. Payment is to be initiated once a Soldier satisfactorily completes the EBDL phases or courses.

d. The United States Human Resources Command cannot award the applicant nonpaid retirement points for completion of EBDL courses without direction from the Army Board for the Correction of Military Records.

6. On 15 December 2023, the applicant was provided a copy of the HRC advisory opinion for comments or rebuttal. She did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and United States Army Human Resources Command -Personnel Services Division advisory opinion, the Board concurred with the advising official finding the applicant's DA Form 1380 submitted are insufficient for awarding retirement points for course completion.

2. The Board noted based on the opine for awarding of retirements points the applicant is required to submit her course completion certificate or the Army Training Requirements and Resources System Transcript (ATRRS). The opine noted that

within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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

3. 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 (1) retirement point or 8 hours in length for two (2) 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 (1) retirement point and be paid for one (1) 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).

f. Paragraph 3-4 (Electronic-based distance learning) states, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107, section 603), authorized compensation to certain members of the Selected Reserve. Pursuant to Title 37, USC, section 206(d), a member of the Selected Reserve of the Ready Reserve may be paid compensation at a rate and under terms determined by the Secretary of Defense 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. This regulation provides discretionary payments only for members of the Selected Reserve not in active service or on active duty who

are directed by their commanders to complete training requirements related to unit readiness or mobilization, by means of electronic-based distributed learning.

(1) All electronic-based distributed learning courses approved either for payment with Reserve compensation or for completion by Soldiers for Reserve retirement points only, will be listed in the Army Training Requirements and Resources System (ATRRS). Courses designated as eligible for Reserve compensation under the electronic-based distributed learning policy will be appropriately annotated within the ATRRS.

(2) Additional training periods for distributed learning for Reserve compensation are authorized only for Soldiers in the paid drill strength of the Army National Guard and USAR, including drilling individual mobilization augmentees.

(3) Commanders may direct Soldiers to enroll in and complete electronic-based distributed learning courses that are eligible for Reserve compensation. Commanders will provide this direction in writing, citing the availability of funds in advance of a Soldier's enrollment.

(4) When scheduling lengthy electronic-based distributed learning courses of instruction, commanders should avoid crossing fiscal years whenever possible.

(5) Commanders will ensure that coursework authorized for additional training periods for distributed learning is not completed during any other type of training or duty periods.

(6) Per AR 135-180 (Retirement for Regular and Non-Regular Service), the maximum number of inactive duty training periods performed by type (except for equivalent training) and retirement points that may be awarded in one day, do not apply to additional training periods for distributed learning, nor do they prevent the performance of other types of inactive duty training periods on the same date. However, retirement points shall not be credited in excess of the maximum number creditable in an anniversary year for inactive duty training.

(7) Initiate payment only when a Soldier satisfactorily completes directed electronic-based distributed learning phases or courses. Commanders must validate the required training was completed and is updated in a formal Army record of training, for example, ATRRS, Learning Management System within 365 days of course completion. Each 4 hours of successfully completed qualifying electronics-based distributed learning coursework will earn a Soldier credit for completion of one additional training period, whether paid or unpaid, and one (1) Reserve retirement point. These are categorized as inactive duty training points and are subject to the annual limit on Reserve retirement points that may be credited in an anniversary year toward retired pay by Title 10, USC, section 12733(3).

(8) For phases or courses that total fewer than 4 hours, aggregate the time for directed courses in multiples of 4 hours to establish inactive duty periods and determine eligibility for Reserve compensation and Reserve retirement points, or Reserve retirement points only.

(9) To qualify for Reserve compensation, the electronic-based distributed learning work must have been directed and completed on or after 2 June 2010.

(10) Members of the Selected Reserve who completed electronic-based distributed learning coursework between 28 December 2001 and 2 June 2010 may be awarded Reserve retirement points at the rate of one point per each 4 hours of distributed learning coursework, unless previously awarded retirement points.

g. The regulation defines Electronic-based distributed learning (EBDL) as a training medium for use collectively or individually, with or without the control of an instructor or leader. Soldiers in an inactive duty training status directed or authorized to take EBDL coursework outside of duty or training periods are not required to be present at a government facility, to be in a duty or training status, to report time or attendance or to wear a uniform. EBDL does not include traditional correspondence courses.

//NOTHING FOLLOWS//