

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230009323

APPLICANT REQUESTS: correction of her record to show she earned additional retirement points during the anniversary years of 29 November 2018 to 28 November 2019 and 29 November 2019 to 28 November 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of the Navy CDE USNWC letter - Subject: Completion of Naval War College (NWC) Fleet Seminar Course: Strategy and War, 22 May 2019
- CDE USNWC letter - Subject: Completion of NWC Fleet Seminar Course: Theater Security Decision Making, 14 June 2019
- CDE USNWC Memorandum for Record (MFR) - Subject: Diploma letters, 1 June 2020
- USNWC CDE letter - Subject: Completion of NWC Fleet Seminar Course: Joint Maritime Operations, 24 June 2020
- USNWC letter - Subject: Award of Diploma, 24 June 2020

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 she has been trying to get her points submitted and her unit has been trying to complete this for her, but her unit was unable to. She contends her record should be corrected to show she earned additional retirement points during the anniversary years of 29 November 2018 to 28 November 2019 and 29 November 2019 to 28 November 2020 based on Department of the Navy College of Distance Education (CDE), U.S. Naval War College (USNWC) letters dated 22 May, 14 June 2019, and 24 June 2020.

3. The applicant completed enlisted service in the U.S. Army Reserve (USAR) prior to her appointment as a Reserve commissioned officer on 22 November 2005.
4. On 31 December 2015, the U.S. Army Human Resources Command issued the applicant a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).
5. In support of her case the applicant provides:
  - a. Department of the Navy CDE USNWC letter - Subject: Completion of NWC Fleet Seminar Course: Strategy and War, dated 22 May 2019, which certified she completed the NWC Fleet Seminar course in Strategy and War on 15 June 2018 and earned/awarded 96 retirement points.
  - b. CDE USNWC letter - Subject: Completion of NWC Fleet Seminar Course: Theater Security Decision Making, dated 14 June 2019, which certified she completed the NWC Fleet Seminar course in Theater Security Decision Making on 14 June 2019 and earned/awarded 99 retirement points.
  - c. CDE USNWC MFR - Subject: Diploma letters, dated 1 June 2020, which states, diplomas are created and then signed by the Dean of CDE, the NWC Provost, and the President of the Naval War College. Due to COVID-19 restrictions, this process has not been possible. The applicant's diploma will be created, signed, and sent to her as soon as phased return-to-work considerations allow. The NWC regretted any inconvenience this causes but wanted the applicant to have her diploma letter as documentation of her successful completion of her NWC studies.
  - d. USNWC CDE letter - Subject: Completion of NWC Fleet Seminar Course: Joint Maritime Operations, dated 24 June 2020, which certified she completed the NWC Fleet Seminar course in Joint Maritime Operations on 24 June 2020 and earned/awarded 102 retirement points.
  - e. USNWC letter - Subject: Award of Diploma, dated 24 June 2020, which shows the applicant was awarded the College of Distance Education Naval Command and Staff Diploma for completing all prescribed curricula in the areas of Strategy and War, Theater Security Decision Making, and Joint Maritime Operations.
6. Her record contains a DA Form 5016 (Retirement Accounting Statement) dated 28 December 2023, which shows:
  - a. her total career retirement points earned as: 1243 Inactive Duty Training (IDT) points; 420 membership points; 3654 Active Duty Training (ADT) points; 28 years qualifying for retirement; 5275 points earned and creditable.

b. It also shows during the anniversary years listed below she earned the following retirement points:

- 29 November 2017 to 28 November 2018 – 65 IDT, 15 membership, 10 ADT, 1 year qualifying for retirement, 90 points earned and creditable
- 29 November 2018 to 28 November 2019 – 57 IDT, 15 membership, 31 ADT, 1 year qualifying for retirement, 103 points earned and creditable
- 29 November 2019 to 28 November 2020 – 52 IDT, 15 membership, 68 ADT, 1 year qualifying for retirement, 135 points earned and creditable

7. DA Form 5016 (Chronological Statement of Retirement Points) dated 19 March 2024, shows in part:

a. the applicant earned a total of 1137 IDT points, 390 membership points, 3608 active duty points, 26 years qualifying for retirement, and 5093 points creditable.

b. It also shows the same retirement points earned that are shown on the Retirement Accounting Statement dated 28 December 2023 for the anniversary years in question.

8. On 28 December 2023, the U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and recommended to grant no relief. The advisory official stated, USARC reviewed the applicant's documents and determined she should not be awarded any points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant did not submit any DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) for points for duties performed outside of the scheduled Battle Assembly. She needs to complete DA Forms 1380 for completion of her Professional Military Education, in accordance with USARC Electronic Based Distance Learning (EBDL) Policy, published 1 December 2022. No administrative relief granted.

9. On 5 January 2024, the applicant was provided a copy of the USARC advisory opinion for comment or rebuttal. She did not respond.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.
2. The advisory official stated the applicant should not be awarded any points nor should the Board grant administrative relief because she did not submit any DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) for points for duties performed outside of her scheduled Battle Assembly.
3. The Board concurs with the advisory official's opinion and recommends the applicant follow the guidance in the advisory opinion by completing DA Forms 1380 for completion of her Professional Military Education, in accordance with USARC Electronic Based Distance Learning (EBDL) Policy, published 1 December 2022.

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.

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. 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 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.

b. Paragraph 2-4b(5) (Criteria for awarding retirement points) states, in accordance with 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.

c. 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).

d. 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).

4. AR 15–185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.

//NOTHING FOLLOWS//