

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 24 May 2024

DOCKET NUMBER: AR20230010611

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect the additional retirement points for his completion of the U.S. Army War College (USAWC) distance learning in Retirement Year Ending (RYE):

- 3 October 2020 for 17 non-paid retirement points
- 3 October 2021 for 59 non-paid retirement points
- 3 October 2022 for 84 non-paid retirement points

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

- DD Form 149 (Application for Correction of Military Record)
- USAWC and Carlisle Barracks Memorandum, Subject: Record of Course Hours for the USAWC Distance Education Program (DEP) Class of 2015 and later
- USAWC transcript

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, request the correction of his DA Form 5016 to reflect the additional retirement points for his completion of the USAWC distance learning course in RYE:

- 3 October 2020 for 17 non-paid retirement points
- 3 October 2021 for 59 non-paid retirement points
- 3 October 2022 for 84 non-paid retirement points

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

a. With prior enlisted service, on 27 February 1997, Orders Number 58-11, issued by Headquarters (HQs), First Region (Reserve Officers' Training Corps (ROTC)), U.S. Army Cadet Command, the applicant was assigned to the U.S. Army Reserve Control Group (Annual Training), effective 16 May 1997.

b. On 16 May 1997, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

c. The applicant served on active duty on numerous occasions for active duty training or in support of named operations.

d. On 21 May 2021, Orders Number T-05-114292, issued by the U.S. Army Human Resources Command (HRC), the applicant was ordered to Active Duty for Training (ADT), effective 14 June 2021, to attend the USAWC DEP.

e. On 8 April 2022, Orders Number T-04-212841, issued by HRC, the applicant was ordered to ADT, effective 17 July 2022, to attend the Strategic Studies Capstone Second Resident Course.

f. DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report) shows the applicant had superior performance at the USAWC distance education course second year resident course during the period of 18 through 29 July 2022.

g. The applicant's DA Form 5016 dated 2 November 2023 shows the applicant obtained in RYEs:

- 3 October 2020, 47 Inactive Duty Training (IDT) points, 15 membership points and 29 Active Duty Training (ADT) points for a total of 91 creditable points
- 3 October 2021, 49 IDT points, 15 membership points, and 25 ADT points for a total of 89 creditable points
- 3 October 2022, 49 IDT points, 15 membership points, and 35 ADT points for a total of 99 creditable points

4. The applicant provides:

a. USAWC and Carlisle Barracks Memorandum, Subject Record of Course Hours for the USAWC DEP Class of 2015 and later which shows the USAWC DEP is a 24-month professional military education program that is conducted overwhelmingly by distributed education modalities. The DEP is conducted through Electronic Based Distributed Learning (EBDL) with the exception of two 13-day sessions for a total of 1,290 course contact hours. Each DEP graduate should submit this memorandum with

their transcript to their unit for calculation, award and recording of retirement points. Component should use the "Course Contact Hours" for computation of retirement points.

<b>Course Number</b>	<b>Course Title</b>	<b>Academic Credit Hours<sup>1</sup></b>	<b>Course Contact Hours<sup>2</sup></b>
DE2301	Strategic Leadership	3	142.5
DE2302	National Security Policy and Strategy	4	165.0
DE2303	War and Military Strategy	4	165.0
DE2304	Regional Issues and Interests	3	142.5
DE2306	First Resident Course	3	2 weeks resident
DE2307	Contemporary Security Issues	3	135.0
DE2308	DoD Organization and Processes	3	120.0
DE2309	Theater Strategy and Campaigning I	4	165.0
DE2310	Theater Strategy and Campaigning II	4	165.0
DE23xx	Elective or Research Project	2	90.0
DE2312	Second Resident Course	3	2 weeks resident
<b>TOTAL</b>		<b>36</b>	<b>1290.0</b>

b. USAWC transcript shows the applicant graduated from the USAWC with a Master of Strategic Studies on 29 July 2022. It also shows the applicant successfully completed the following modules:

Course No.	Course Title	Date		Grade
DE2301	Strategic Leadership	22 Sep 20		B
DE2302	National Security Policy and Strategy	12 Dec 20		B+
DE2303	War and Military Strategy	25 Feb 21		A-
DE2304D	Global and Regional Issues and Interests: Americas	12 Jun 21		B
DE2306	FRC: Strategic Leadership in a Global Environment	28 Jun 21		B
DE2307	Contemporary and Future Security Issues	1 Nov 21		B+
DE2308	DoD Organization and Processes	29 Nov 21		A-
DE2309	Theater Strategy and Campaigning I	14 Feb 22		B+
DE2310	Theater Strategy and Campaigning II	2 May 22		A-
DE2360	Campaigning in the Gray Zone	7 Jun 22		A
DE2312	SRC: Strategic Leadership in Current and Future Warfare	28 July 22		A

5. On 25 January 224, in the processing of this case, the U.S. Army Reserve Command, provided an advisory opinion regarding the applicants request to be awarded retirement points for his completion of the USAWC. The advisory official stated administrative relief should not be granted as Soldiers can only be awarded 130 retirement points for each anniversary year ending. The applicant should submit DA Forms 1380 for points in order to update the DA Form 5016.

6. On 9 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:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he should be granted retirement points for his completion of the USAWC. The Board reviewed and agreed with the USARC advisory official's determination that administrative relief should not be granted as Soldiers can only be awarded 130 retirement points for each anniversary year ending. Additionally, the applicant should submit DA Forms 1380 through the appropriate office for points in order to update the DA Form 5016.

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.

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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 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. Retirement points credited for activities other than active service or funeral honors duty may not exceed:

- For any anniversary years closing before 23 September 1996: 60 retirement points
- For anniversary years closing on or after 23 September 1996 but before 30 October 2000: 75 retirement points.
- For anniversary years closing on or after 30 October 2000 but before 30 October 2007: 90 retirement points.
- For anniversary years closing on or after 30 October 2007: 130 retirement points

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 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), 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.

e. 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.

f. 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.

3. 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.

4. 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//