

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230010940

APPLICANT REQUESTS: in effect,

- correction of his DA Form 5016 (Retirement Accounting Statement) to reflect the addition of 68 non-paid retirement points in Retirement Year Ending (RYE) 17 May 2021
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 149 hardcopy
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for 4 through 12 September 2020
- DA Form 1059 (Service School Academic Evaluation Report) for Joint and Combined Warfighting School – Hybrid
- DA Form 1380 for 5 through 9 October 2020
- DA Form 1380 for 13 through 16 October 2020
- DA Form 1380 for 19 through 20 and 22 October 2020
- DA Form 1380 for 26 through 30 October 2020
- DA Form 1380 for 2 through 5 November 2020
- DA Form 1380 for 9 through 12 November 2020
- DA Form 1380 for 16 November 2020
- DA Form 1380 for 1 December 2020
- DA Form 1380 for 8 through 9 December 2020
- Organizational Communication course evaluation report
- DA Form 1380 for 11 through 15 and 18 December 2020
- DA Form 1380 for 21 through 25 December 2020
- DA Form 1380 for 28 through 31 December 2020
- DA Form 1380 for 5 through 8 January 2021
- DA Form 1380 for 11 through 15 January 2021
- DA Form 1380 for 18 through 19 January 2021
- DA Form 1380 for 26 through 29 January 2021

- Troop Program Unit (TPU) Personnel Actions Checklist for Process DA Form 1380 for Retirement Points Only

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, his DA Forms 1380 and other documents were improperly submitted by the Battalion (BN) Army Reserve Administrator. These errors were identified after he left BN command and he did not have access to his DA Form 5016. The transition from the legacy system to Integrated Personnel and Pay System – Army also delayed the submission and correction of his retirement points along with his reassignment under three different commands. The correction of his DA Form 5016 would provide the rightful compensation in the form of retirement points for duty performed.

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

a. With prior U.S. Army Reserve (USAR) cadet service, the applicant executed his oath of office on 18 May 2003 and was appointed as a Reserve commissioned officer with a subsequent call to active duty.

b. On 1 November 2011, the applicant was honorably discharged from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 8-years and 4-months of active service.

c. On 15 November 2011, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

d. On 6 March 2012, Orders Number C-03-203504, issued by the U.S. Army Human Resources Command (HRC), the applicant was assigned to a USAR TPU, effective 28 February 2012.

e. The applicant served on active duty in support of two named operations.

f. On 22 May 2020, Orders Number 20-143-00008, issued by Headquarters (HQs), 99th Readiness Division (USAR), the applicant was assigned to the 854th Engineer BN, effective 1 June 2020.

g. On 23 July 2020, Orders Number T-07-009062, issued by HRC, the applicant was ordered to Active Duty for Training (ADT), effective 13 September 2020 to attend the Joint Combined Warfighting School – Hybrid for 13-days.

h. DA Form 1059 shows the applicant met standards for the Joint Combined Warfighting School – Hybrid during the period of 9 December 2019 through 25 September 2020.

i. On 11 October 2022, Orders Number 22-284-00015, issued by HQs, 99th Readiness Division (USAR), the applicant was assigned to the 151st Information Operations Group, effective 10 November 2022.

j. On 5 June 2023, Orders Number T-06-315079, issued by HRC, the applicant was ordered to ADT, effective 18 June 2023, for 13-days to attend the Army War College Distance Education Course.

k. DA Form 5016, dated 16 June 2023, shows during RYE 17 May 2021 the applicant earned 88 Inactive Duty Training (IDT) points, 15 membership points, and 132 ADT points for a total of 235 creditable points for retirement.

4. The applicant provides:

a. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day working on the Joint Combined Warfighting School – Hybrid course during the period of 4 through 12 September 2020. The DA Form 1380 was digitally signed on 9 August 2022 by Captain (CPT) [REDACTED] as the officer who had knowledge of the duties performed.

b. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day performing BN administrative duties and supported the full time staff at U.S. Central Command (CENTCOM) during the period of 5 through 9 October 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

c. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 13 October 2020, conducting BN medical preparation
- 14 October 2020, conducting a BN medical call
- 15 through 16 October 2020, performing BN administrative duties and supporting the full time staff

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

d. DA Form 1380 dated 23 October 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 19 October 2020, performing BN administrative duties and supporting the full time staff
- 20 October 2020, conducting a BN administrative call and preparation
- 22 October 2020, requested unfunded requirements and reset

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

e. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day performing BN administrative duties and supported the full time staff at CENTCOM during the period of 26 through 30 October 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

f. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day performing BN administrative duties and supported the full time staff at CENTCOM during the period of 2 through 5 November 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

g. DA Form 1380 dated 25 November 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day performing BN administrative duties and supported the full time staff at CENTCOM during the period of 9 through 12 November 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

h. DA Form 1380 dated 24 September 2020 shows the applicant performed 4-hours for 1 non-paid retirement point performing BN administrative duties and supported the full time staff at CENTCOM on 16 November 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

i. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours for 1 non-paid retirement point completing the Army War College module DE1450 (Organizational Communications Course; Week 6 at CENTCOM on 1 December 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

j. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day completing the Army War College module DE1450 (Organizational Communications Course; Week 6 at CENTCOM during the period of 8 through 9 December 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

k. Organization Communication course evaluation report dated 15 December 2020 states the applicant demonstrated exceptional mastery of the course objectives and preparedness to apply the concept of the course in future assignments.

l. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day completing the Army War College module DE1450 (Organizational Communications Course; Week 6 at CENTCOM during the period of 11 through 15 and 18 December 2020. The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

m. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 21 through 23 December 2020, performing BN administrative duties and BN or Brigade (BDE) calls
- 24 December 2020, conducting a BN administrative duties and medical preparation
- 25 December 2020, conducting a BN administrative duties and BN Situation Reports (SITREP)

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

n. DA Form 1380 dated 24 January 2021 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 28 December 2020, performing BN administrative duties and Medical Readiness Classification (MRC)
- 29 December 2020, conducting BN administrative duties and preparation for BDE medical call
- 30 December 2020, conducting BN administrative duties, sign Deliberate Risk Assessment Worksheet (DRAW) and Exception to Policy (ETP)
- 31 December 2020, conducting BN administrative duties and Officer Evaluation Report (OER) counseling

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

o. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 5 January 2021, performing BN administrative duties and MRC
- 6 January 2021, conducting a BN administrative duties and preparation for BDE medial call
- 7 January 2021, conducting BN administrative duties, sign (DRAW and ETP)
- 8 January 2021, conducting BN administrative duties and OER counseling preparation

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

p. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 11 through 12 January 2021, performing BN administrative duties and OER counseling preparation
- 13 January 2021, conducting BN administrative duties and rating chain
- 14 January 2021, conducting a BN administrative duties and internal Yearly Training Brief (YTB) preparation
- 15 January 2021, conducting BN administrative duties, internal YTB and BN SITREP

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

q. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 18 January 2021, performing BN administrative duties and YTB finalization
- 19 January 2021, conducting BN administrative duties and presentation of YTB to the Theater Engineer Command

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

r. DA Form 1380 dated 24 December 2020 shows the applicant performed 4-hours each day for 1 non-paid retirement point for each day at CENTCOM during:

- 26 through 27 January 2021, performing BN administrative duties and BDE medical calls
- 28 January 2021, conducting BN administrative duties, sign DRAW and ETP for February unit training assembly
- 29 January 2021, conducting a BN administrative duties, reset update, and BN SITREP

The DA Form 1380 was digitally signed on 9 August 2022 by CPT [REDACTED] as the officer who had knowledge of the duties performed.

5. On 6 December 2023, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated upon review of the documents provided by the applicant it was determined the applicant should be awarded 50 retirement points. The applicant submitted DA Forms 1380 to receive points for duty he performed outside of the scheduled unit training assembly. The issue at the time was how late he turned in the DA Forms 1380 for processing after the duty was performed. A favorable decision will allow the Readiness Divisions to process the DA Forms 1380 for retirement points. Retirement points cannot be awarded for the course work the applicant completed for the Joint Combined Warfighting School – Hybrid or the Army War College module DE1450. Electronic Based Distance Learning (EBDL) courses are awarded one point for every 8-hours of course work. The applicant provided DA Form 1380 based on days. The applicant will need to correct the forms and resubmit with proof of hours completed in order to receive credit for these courses.

6. On 22 December 2023, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. 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 partial relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board concurred with the conclusion of the advisory official and determined the applicant's record should be corrected to reflect the retirement points earned for performing duty outside of the scheduled unit training assembly on the days documented on the DA Forms 1380 he provided. The Board further determined that, if the applicant can comply with the requirements to receive points for his EBDL courses specified in the advisory opinion, he may submit a request for reconsideration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 processing the following DA Forms 1380 and updating his retirement points accordingly:

- DA Form 1380 for 5 through 9 October 2020
- DA Form 1380 for 13 through 16 October 2020
- DA Form 1380 for 19 through 20 and 22 October 2020
- DA Form 1380 for 26 through 30 October 2020
- DA Form 1380 for 2 through 5 November 2020
- DA Form 1380 for 9 through 12 November 2020
- DA Form 1380 for 16 November 2020
- DA Form 1380 for 21 through 25 December 2020
- DA Form 1380 for 28 through 31 December 2020
- DA Form 1380 for 5 through 8 January 2021
- DA Form 1380 for 11 through 15 January 2021
- DA Form 1380 for 18 through 19 January 2021
- DA Form 1380 for 26 through 29 January 2021

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.

11/4/2024

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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. 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) 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. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. 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.

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. 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. 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 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.

4. AR 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 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for 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.

b. 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, RST, ET, 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

c. Table 2-1 (Award of IDT retirement points) rule 5; performs 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.

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.

5. 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 IDT periods or ET, 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.

6. 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 EBDL 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//