

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 June 2024

DOCKET NUMBER: AR20230011534

APPLICANT REQUESTS: correction of DA Form 5016 (Chronological Statement of Retirement Points) to reflect service credit (retirement points) for the completion of premobilization training/teleconferences and other associated events.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states that prior to being ordered to active duty she was required to complete several Electronic Based Distance Learning (EBDL) courses during her off-duty time. She contests that she has made several unsuccessful attempts to have the points added to her records.

2. A review of the applicant's available service records reflects the following:

a. After serving in the Regular Army for 4 years, 11 months, and 27 days, the applicant was transferred into the Army National Guard (ARNG) on or about 22 August 1997.

b. On 6 July 1998, the National Guard Bureau (NGB) issued Special Orders Number 116 AR announcing Federal recognition of the applicant's initial appointment as a Warrant Officer within the WAARNG, effective 8 May 1998.

c. On 3 January 2012, the applicant was issued a Notification of Eligibility for Retired Pay at Age 60 (20-year letter).

d. On 8 December 2014, the applicant was released from the ARNG and transferred into the U.S. Army Reserve Control Group (Reinforcement).

e. On 18 December 2014, the U.S. Army Human Resources Command issued Orders Number C-12-417397 reassigning the applicant to a Troop Program Unit, effective 18 December 2014.

3. The applicant provides the following a:

a. DA Form 1380 dated 13 March 2023, reflective of the applicant's completion of premobilization requirements (Teleconference, Ethics, Equal Opportunity etc. training), on 22 March 2021 (4 hours), 10 and 12 May 2021 (4 hours each day), 28 June 2021 (4 hours) and 14 October 2021 Column 9c. (Retirement Points) is coded as "N1" indicating that this duty was performed for points only; 1 retirement point per day for a total of 5 points. This document is digitally endorsed by the Director of Logistics on 13 March 2023.

b. DA Form 1380, 13 March 2023, reflective of the applicant's completion of EBDL on 1 October 2020 (8 hours), 25 and 27 June 2021 (4 hours each day). Column 9c. (Retirement Points) is coded as "P1" indicating that this duty was performed for pay and 1 retirement point per eight hours of EBDL for a total of 2 points. This document is digitally endorsed by the Director of Logistics on 13 March 2023.

4. On 12 January 2024, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending that the applicant be awarded 3 retirement points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) for the time spent on teleconferences noting that the award of retirement points for EBDL were discontinued after 2016. The applicant should be paid for the EBDL.

5. On 16 January 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. On 22 January 2024, the applicant responded to the advisory opinion questioning the denial of points for EBDL noting that she was unable to locate the reference in AR 140-185. She contests that she was led to believe that if premobilization courses were required but not authorized on the EBDL list for pay, she could receive retirement points.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 Headquarters, U.S. Army Reserve Command – Soldier Programs Branch advisory opinion, the Board concurred with the advising official finding the applicant should be awarded three (3) points in accordance with Army Regulation 140-185 for her time spent on pre-mobilization teleconferences. The opine noted that retirement point for Electronic Base Distance Learning (EBLD) were not allowed after 2016 per regulatory guidance and should be paid those EBDL courses. Based on this, the Board granted partial relief to award the applicant three (3) points for pre-mobilization.

BOARD VOTE:

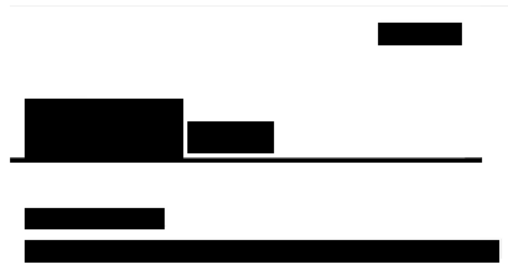
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:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

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 showing the applicant should be awarded three (3) points based on regulatory guidance AR 140-185 for time spent on pre-mobilization teleconferences.

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 correction of DA Form 5016 to reflect service credit (retirement points) for the completion of premobilization training/teleconferences and other associated events.



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.

REFERENCE:

AR 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records), dated 3 August 2018, in effect prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. 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.

a. Paragraph 2–2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes UTA, and MUTA
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT

- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

b. Paragraph 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1). These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive)).

c. Paragraph 2-4 (Criteria for Awarding Retirement Points) states, 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- eight-hour rule approved EBDL courses will be awarded to members of the Selected Reserve (TPU); Subject to available funding, and as preapproved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

e. Paragraph 3-3b, states a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only.

f. Table 2-3 (Award of Inactive Duty Training Retirement Points) provides that when an TPU individual performs staff and administrative duties to include staff meetings as additional training for points only in support of TPU activities, they will be awarded points under the 4-hour/8-hour rule except for BA, RST, ET, make-up assemblies or ATA.

//NOTHING FOLLOWS//