

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230011956

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to show he was awarded retirement points for the Retirement Years Ending (RYE):

- 22 October 2010
- 22 October 2011
- 22 October 2012
- 22 October 2013
- 22 October 2014
- 22 October 2015
- 22 October 2016
- 22 October 2017
- 22 October 2018
- 22 October 2019
- 22 October 2020
- 22 October 2021
- 22 October 2022

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

- DD Form 149 (Application for Correction of Military Record)
- 2009-2011 Continuing Medical Education (CME) Transcript
- 2011-2013 CME Transcript
- 2013-2015 CME Transcript
- 2015-2017 CME Transcript
- 2017-2019 CME Transcript
- 2019-2021 CME Transcript
- 2021-2023 CME Transcript
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) Fiscal Year (FY)2010
- DA Form 1380 FY2011
- DA Form 1380 FY2012

- DA Form 1380 FY2013
- DA Form 1380 FY2014
- DA Form 1380 FY2015
- DA Form 1380 FY2016
- DA Form 1380 FY2017
- DA Form 1380 FY2015
- DA Form 1380 FY2016
- DA Form 1380 FY2017
- DA Form 1380 FY2018
- DA Form 1380 FY2019
- DA Form 1380 FY2020
- DA Form 1380 FY2021
- DA Form 1380 FY2022

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 2021 he submitted DA Forms 1380 for the past 10 years to his S-1 (he is no longer in this unit) to claim retirement points from CME activities after learning this was possible. He assumed they were submitted, but upon deployment to Kuwait he discovered they were never submitted as well as the DA Forms 1380 for FY2021. He attempted to submit the forms and documentation to his current unit but was told any DA Forms 1380 not submitted within 60 days of completion must go through this Board.

3. A review of the applicant's official records shows the following:

a. On 27 July 1985, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 25 November 2004, the U.S. Army Human Resources Command issued the applicant a Notification of Eligibility for Retired Pay at Age 60 (20-Year Letter).

c. DA Form 5016 (Chronological Statement of Retirement Points) shows the applicant earned the following retirement points for RYE:

- 22 October 2010; 48 Inactive Duty Training (IDT) points, 15 membership points, 27 Active Duty Training (ADT) points, 90 total points creditable

- 22 October 2011; 13 IDT points, 15 membership points, 293 ADT points, 321 total points creditable
- 22 October 2012; 30 IDT points, 15 membership points, 74 ADT points, 119 total points creditable
- 22 October 2013; 34 IDT points, 15 membership points, 14 ADT points, 63 total points creditable
- 22 October 2014; 53 IDT points, 15 membership points, 21 ADT points, 89 total points creditable
- 22 October 2015; 43 IDT points, 15 membership points, 10 ADT points, 68 total points creditable
- 22 October 2016; 54 IDT points, 15 membership points, 20 ADT points, 89 total points creditable
- 22 October 2017; 46 IDT points, 15 membership points, 49 ADT points, 110 total points creditable
- 22 October 2018; 53 IDT points, 15 membership points, 30 ADT points, 98 total points creditable
- 22 October 2019; 42 IDT points, 15 membership points, 28 ADT points, 85 total points creditable
- 22 October 2020; 44 IDT points, 15 membership points, 21 ADT points, 80 total points creditable
- 22 October 2021; 57 IDT points, 15 membership points, 33 ADT points, 105 total points creditable

d. The applicant remains in the U.S. Army Reserve.

4. The applicant provides:

a. 2009-2011 CME transcripts showing the applicant was awarded 35 retirement points for attending various medical training courses.

b. 2011-2013 CME transcripts showing the applicant was awarded 29 retirement points for attending various medical training courses.

c. 2013-2015 CME transcripts showing the applicant was awarded 74 retirement points for attending various medical training courses.

d. 2015-2017 CME transcripts showing the applicant was awarded 72 retirement points for attending various medical training courses.

e. 2017-2019 CME transcripts showing the applicant was awarded 70 retirement points for attending various medical training courses.

f. 2019-2021 CME transcripts showing the applicant was awarded 163 retirement points for attending various medical training courses.

g. 2021-2023 CME transcripts showing the applicant was awarded 59 retirement points for attending various medical training courses.

h. DA Form 1380 dated 16 June 2023 showing the applicant attended CME for points only in FY2010 on 1 October 2009 for 68 hours and 31 September 2010 for 44 hours. The form was endorsed by Lieutenant Colonel (LTC) [REDACTED] as the officer having knowledge of the duties performed. (Electronic Based Distance Learning (EBDL) = 8 hours for 1 retirement point (14 retirement points).

i. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2011 on 1 October 2010 for 33 hours and 31 September 2011 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 9 retirement points.

j. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2012 on 31 September 2012 for 64 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 8 retirement points.

k. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2013 on 1 October 2012 for 54 hours and 31 September 2013 for 64 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 14 retirement points.

l. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2014 on 1 October 2013 for 104 hours and 31 September 2014 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 18.5 retirement points.

m. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2015 on 1 October 2014 for 154 hours and 31 September 2015 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 24 retirement points.

n. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2016 on 1 October 2015 for 104 hours and 31 September 2016 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 18.5 retirement points.

o. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2017 on 1 October 2016 for 147 hours and 31 September 2017 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 23 retirement points.

p. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2018 on 1 October 2017 for 120 hours and 31 September 2018 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 20.5 retirement points.

q. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2019 on 1 October 2018 for 120 hours and 31 September 2019 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 20.5 retirement points.

r. DA Form 1380 dated 30 May 2023 showing the applicant attended CME for points only in FY2020 on 1 October 2019 for 126 hours and 31 September 2020 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 21 retirement points.

s. DA Form 1380 dated 5 August 2023 showing the applicant attended CME for points only in FY2021 on 1 October 2020 for 488 hours and 31 September 2021 for 44 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 66.5 retirement points.

t. DA Form 1380 dated 5 August 2023 showing the applicant attended CME for points only in FY2022 on 1 October 2021 for 198 hours and 31 September 2022 for 84 hours. The form was endorsed by LTC [REDACTED] as the officer having knowledge of the duties performed. EBDL = 35 retirement points

5. On 19 December 2023, in the processing of this case the U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion recommending disapproval, and stated, USARC reviewed the applicant's documents and determined he 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 DA Forms 1380 submitted were improperly completed. Every eight hours of CME is equal to one retirement point. The applicant should review the second page of DA Form 1380 in order to properly code and complete his forms.

6. On 29 December 2023, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

7. The applicant responded to the advisory opinion and provided DA Forms 1380 previously provided showing for each FY combined total hours for CME completed vice separate total hours for month and year. Additionally, he provided the same CME transcripts.

8. On 22 January 2024, in the processing of this case the USARC, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval, and stated USARC reviewed the applicant's documents and determined he should be awarded points based off AR 140-185. He completed numerous hours for CME and these educational activities serve to maintain, develop and increase the knowledge of medical professionals. A favorable outcome from the Board will result in the Readiness Division being able to update the points.

9. On 26 January 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. 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 relief is warranted.

2. The Board concurred with the conclusion of the advisory official that the applicant should be awarded additional retirement points based on the revised DA Forms 1380 he provided in response to the advisory official's initial recommendation to deny relief. The Board determined the revised DA Forms 1380 provided by the applicant should be processed and his retirement points should be updated accordingly.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by processing the revised DA Forms 1380 provided in support of the application and update his retirement points accordingly.

12/9/2024

X

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. 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/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 2-3 (Award of inactive duty training retirement points) states under rule 5; performs EBDL utilizing ATAs – authorize points under the 4-hour/8-hour rule.

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 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.

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 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//