

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 July 2024

DOCKET NUMBER: AR20230013154

APPLICANT REQUESTS: correction of retirement points for Electronic Based Distance Learning (EBDL) the following Retirement Year Ending (RYE):

- 24 April 2021; 5 points
- 24 April 2022; 25 points
- 13 November 2022; 1 point

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 in pertinent part that since funding was not available, she would be awarded retirement points for qualifying service performed during Calendar Year (CY) 2021-2022.

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

- a. On 25 April 2002, the applicant enlisted in the U.S. Army Reserve (USAR).
- b. On 16 July 2010, the applicant was appointed a Reserve commission.
- c. On 26 August 2019, Headquarters, 81st Readiness Division issued Orders Number 19-238-00063 reassigning the applicant to the 3305th USAR Mobilization Support Detachment, effective 1 October 2019.
- d. On 5 May 2021, Headquarters, 9th Mission Support Command issued Orders Number 21-125-00004 reassigning the applicant to the 9th Mission Support Command, effective 5 May 2021.
- e. On 23 June 2022, the applicant was issued a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-year letter).

3. The applicant provides the following a:

a. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of Additional Training Assembly Distance Learning (ATADL) for points only on 23 and 26 February 2021 (4 hours per day). Column 9c. (Retirement Points) incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 4 points for this period. During this period the applicant completed Intermediate Level Education (ILE)/Advanced Operation Warfighting (AOW) course work (Phase I).

b. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 5, 17, 19-20, 22-24 and 26 March 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 16 points for this period. During this period the applicant completed ILE/AOW course work (Phase I).

c. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 13 May 2021 (4 hours). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded. During this period the applicant completed ILE/AOW course work (Phase I).

d. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 3, 10 and 15 June 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 6 points for this period. During this period the applicant completed ILE/AOW course work (Phase I and 2).

e. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 4 and 16 July 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 4 points for this period. During this period the applicant completed ILE/AOW course work (Phase 2).

f. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 5, 9, 11, 16-20 and 23-25 August 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 22 points for this period. During this period the applicant completed ILE/AOW course work (Phase 2).

g. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 7-10, 22-24 and 27 September 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 16 points for this period. During this period the applicant completed ILE/AOW course work (Phase 2).

h. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 10, 12, 15 and 17-19 November 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 12 points for this period. During this period the applicant completed ILE/AOW course work (Phase 2).

i. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 1-3 and 6 December 2021 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 8 points for this period. During this period the applicant completed ILE/AOW course work (Phase 2).

j. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 8, 14, 16-17, 21 and 23 March 2022 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 12 points for this period. During this period the applicant completed ILE/AOW course work (Phase 3).

k. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 4-8, 11, 13 and 26 April 2022 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded for each day i.e. a total of 16 points for this period. During this period the applicant completed ILE/AOW course work (Phase 3).

l. DA Form 1380 dated 8 June 2022, reflective of the applicant's completion of ATADL for points only on 13 May 2022 (4 hours per day). Column 9c. incorrectly reflects "N2" indicating that 2 points should be awarded. During this period the applicant completed ILE/AOW course work (Phase 3).

4. On 21 February 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending disapproval of the applicant's request noting that the forms were incorrectly completed. In accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) EBDL points are awarded at a rate of one point for every eight hours. It is based off the course hours and not the amount of time spent completing the course. The applicant needs to provide documentation reflective of the course length and new DA Forms 1380 properly completed based on the applicable guidance.

5. On 23 February 2024, the applicant was provided a copy of the advisory opinion and afforded 15 days to provide comments. As of 3 July 2024, the applicant has not responded.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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, United States Army Reserve Command- Soldiers Programs Branch advisory opinion, the Board concurs with the advising official's recommendation for disapproval. Per Army Regulation (AR) 140-185, EBDL points are awarded at a rate of one point for every eight hours of instruction, based solely on documented course hours—not on the time an applicant reports spending to complete a course.

2. The Board noted, the DA Forms 1380 provided by the applicant uniformly reflect retirement points marked "N2," indicating two points per day for four hours of instruction, which does not align with regulatory guidance. As such, the applicant must submit documentation verifying the length of each course and furnish revised DA Forms 1380 accurately completed in accordance with the applicable policy. In light of the incorrect documentation and the applicant's non-response following receipt of the advisory opinion on 23 February 2024, the Board finds insufficient basis to approve the request.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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.

REFERENCE:

AR 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) 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.

//NOTHING FOLLOWS//