

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230013219

APPLICANT REQUESTS: correction of his retirement points for Electronic Based Distance Learning (EBDL) to reflect inclusion of service for points only performed for the retirement periods:

- 6 January – 5 May 2022 for the Retirement Year Ending (RYE) 5 May 2022 (16 points)
- 11 May – 21 June 2022 for the RYE 13 November 2022 (6 points)

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter), 11 June 2020
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 31 January 2022
- DA Form 1380, 21 February 2022
- DA Form 1380, 27 March 2022
- DA Form 1380, 26 April 2022
- DA Form 1380, 23 May 2022
- DA Form 1380, 22 June 2022
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report), 22 December 2022
- Memorandum, Subject Letter of Lateness, 21 September 2023
- DA Form 5016 (Retirement Accounting Statement), 4 June 2024

FACTS:

1. The applicant states, in pertinent part, he completed the Advanced Operations Course in fiscal year 2022, from January to December 2022. When he submitted the DA Forms 1380 for pay, he was notified that he would have to submit them for points only for all months prior to October 2023.

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

a. Having prior enlisted service in the U.S. Army Reserve and the Pennsylvania Army National Guard, on 4 May 2007:

(1) The U.S. Army Human Resources Command (HRC) issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army.

(2) He was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 11 June 2020, HRC issued a Memorandum for Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

c. DA Form 5016, dated 4 June 2024 shows the following:

(1) For the RYE 5 May 2022, the applicant earned 180 Inactive Duty Training (IDT) points, 15 membership points, and 127 Active Duty Training (ADT) points, totaling 322 total points creditable.

(2) For the RYE 13 November 2022, the applicant earned 95 IDT points, 8 membership points, and 25 ADT points, totaling 128 total points creditable.

d. He continues service with the USAR.

3. The applicant provides the following:

a. DA Form 1380, dated 31 January 2022, showing the applicant completed Intermediate Level Education (ILE) training on 6, 11, 16, 23, and 30 January 2022, for 8 hours each, totaling 5 retirement points.

b. DA Form 1380, dated 21 February 2022, showing the applicant completed ILE training on 7, 13, and 20 February 2022, for 8 hours each, totaling 3 retirement points.

c. DA Form 1380, dated 27 March 2022, showing the applicant completed ILE training on 21 and 26 March 2022, for 8 hours each, totaling 2 retirement points.

d. DA Form 1380, dated 26 April 2022, showing the applicant completed ILE training on 3, 10, 17, and 24 April 2022, for 8 hours each, totaling 4 retirement points.

e. DA Form 1380, dated 23 May 2022, showing the applicant completed ILE training on 1, 5, 11, 16, and 22 May 2022, for 8 hours each, totaling 5 retirement points.

f. DA Form 1380, dated 22 June 2022, showing the applicant completed ILE training on 5, 13, and 21 June 2022, for 8 hours each, totaling 3 retirement points.

g. DA Form 1059-2 dated 22 December 2022 showing he completed the ILE – Advanced Operations Course, 22-001 from 17 January 2022 to 23 December 2022.

h. Memorandum, Subject: Letter of Lateness, dated 21 September 2023 wherein the unit deputy commanding officer noted that the DA Forms 1380 were being submitted late due to no fault of the applicant as the unit was not aware of the process to request retirement points for the courses.

4. On 15 February 2024, the U.S. Army Reserve Command, Chief, Soldier Programs Branch provided an advisory opinion recommending partial relief of the applicant's request stating, in effect, they reviewed the applicant's documents and determined he should be awarded 22 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). EBDL is only 1 point for every 8 hours of course work. A favorable outcome from the Army Review Boards Agency would allow them to process the points.

5. On 20 February 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 21 March 2024, 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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. By regulation, Electronic Based Distant Learning is only 1 point for every 8 hours of course work. The applicant appears to have initiated his DA Forms 1380 on time, but the certifying officer failed to timely sign and authenticate the forms. The Board reviewed and agreed with the USARC advisory official's finding that the applicant should be awarded 22 points based on Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The Board determined relief is warranted.

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 awarding the applicant six qualifying retirement points, based on submitted DA Forms 1380, points only, for the periods 6 January – 5 May 2022 for RYE 5 May 2022 (16 points) and 11 May – 21 June 2022 for RYE 13 November 2022 (6 points), provided all other criteria is met.

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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.

REFERENCE:

AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR Troop Program Units, Army National Guard units, or to another service or component for training.

a. 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.

b. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed. Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

c. Approved EBDL courses will be awarded to members of the SELRES (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.

//NOTHING FOLLOWS//