

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 August 2024

DOCKET NUMBER: AR20230014023

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 24 September 2023, were accepted, and added to his record for the anniversary year of 14 November 2022 to 25 June 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 24 September 2023
- Email communication, 27 and 28 September 2023

FACTS:

1. The applicant states:

a. This action is to receive retirement points for completing second year studies at the Army War College (AWC) in accordance with U.S. Army Reserve Command's (USARC's) Electronic Based Distance Learning (EBDL) policy dated 1 December 2022. All claimed points accrued after 1 December 2023. He is requesting 54 retirement points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), Rule 20. He completed a portion of the second-year studies of Army War College, and he is requesting the addition of 54 retirement points calculated in accordance with the 4/8 hour rule under AR 140-185, Rule 20.

b. He submitted the DA Forms 1380 and supporting documentation to the 99th Readiness Division (RD); however, that unit refused to process the request and instructed him to submit this request to the Army Review Boards Agency (ARBA). Please see attached email from the 99th RD, DA Forms 1380 (December 2022, January 2023, February 2023, March 2023, April 2023) and DA Form 1059 [DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report)] documenting successful completion of AWC. The correction should be made because he is entitled to the retirement points and the 99th RD instructed him to submit this application to Board.

2. A review of the applicant's military records show the following:

a. On 26 June 2003, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer in the rank/grade of first lieutenant (1LT)/O-2 and executed his oath of office.

b. DA Form 1059-2 shows he completed the Distance Education Course (2nd Year Resident Phase Course, 23-001) during the period of 17 to 28 July 2023, at the U.S. Army War College.

c. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 25 July 2024, which shows his total career retirement points earned as – 1059 Inactive Duty Training (IDT), 340 Extension Course, 315 Membership, 465 Active Duty Training (ADT), 21 years Qualifying for Retirement, 2005 Points Earned, and 2005 Points Creditable. In relevant part, the form also shows for the completed anniversary year 14 November 2022 to 25 June 2023, he earned the following retirement points:

- 39 IDT
- 9 Membership
- 13 ADT
- 7 months and 12 days Qualifying for Retirement
- 61 Points Earned
- 61 Points Creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 19 August 2024, which does not show the anniversary year in question.

3. In support of his request the applicant provides:

a. DA Forms 1380 dated 24 September 2023, submitted for points only for the completed anniversary year 14 November 2022 to 25 June 2023. The forms were signed by the Deputy Command Judge Advocate and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training, or instruction, as follows:

- 2, 9, 16, 23 and 30 December 2022 – for 8 hours each day, N2 (nonpaid), he performed Army War College studies, 2nd year only in accordance with (IAW) USARC EBDL policy; Totaling: 10 points
- 7, 8, 9, 16, 20, 23 and 27 January 2023 – for 8 hours each day, N2 (nonpaid), he performed Army War College studies, 2nd year only IAW USARC EBDL policy; Totaling: 14 points

- 3, 4, 5, 7, 18, 19 and 24 February 2023 – for 8 hours each day, N2 (nonpaid), he performed Army War College studies, 2nd year only IAW USARC EBDL policy; Totaling: 14 points
- 3, 10, 17, 24 and 31 March 2023 – for 8 hours each day, N2 (nonpaid), he performed Army War College studies, 2nd year only IAW USARC EBDL policy; Totaling: 10 points
- 3, 4 and 5 April 2023 – for 8 hours each day, N2 (nonpaid), he performed Army War College studies, 2nd year only IAW USARC EBDL policy; Totaling: 6 points

b. Email communication dated 27 and 28 September 2023 between the applicant and 99th RD, Human Resource Specialist, wherein, the HR Specialist stated, the RD was not currently processing DA Forms 1380 for points only for EBDL and/or correspondence courses in lieu of pay. Until otherwise advised by USARC, EBDL and/or correspondence courses were paid actions and should be referred to the member's finance office for processing. The applicant may request points in lieu of pay directly through ARBA via their online portal using a DD Form 149.

4. On 22 July 2024, the Headquarters, USARC, Chief, Military Services Office, provided an advisory opinion for this case and recommended granting no administrative relief. The advisory official stated:

a. USARC reviewed the applicant's documents and determined he should not be awarded points in accordance with AR 140-185. The applicant is not automatically entitled to any points in an unpaid status for EBDL.

b. To be considered for points, it would not be under Rule 20 of AR 140-185, but under paragraph 2-4.b.(5). The applicant could be awarded one (1) point for every eight (8) hours of EBDL. There would need to be a transcript showing the course hours completed and DA Form 1380 for each month showing 8 in block 9.b. and N1 in block 9.c.

5. On 26 July 2024, the applicant was provided with a copy of the USARC advisory opinion to allow for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations in the USARC advisory opinion, and the lack of any rebuttal submitted by the applicant of those findings and recommendations, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | 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.

2/13/2025

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. Headquarters, USARC Memorandum - Subject: USAR EBDL Policy, dated 1 December 2022, serves as guidance on the process for paid compensation and/or retirement points for Troop Program Unit (TPU) Soldiers taking approved EBDL courses. In pertinent part, it states:

a. EBDL is a digital media model that allows instructor, students, and course work located in different non-centralized locations allowing instruction and learning to occur independent of time and place.

b. Requirements to receive paid compensation and/or retirement points necessitates that the Soldier is directed to take the course. Only courses on the approved EBDL list at the time the Soldier takes the course are authorized. Only course work conducted while a Soldier is not on any paid Federal Government duty status (military, federal civilian, or contractor) is authorized, and any portion taken while in a paid duty status is not eligible. Only pre-deployment readiness and mobilization requirement courses are authorized. Priority is Mobilization, Military Occupational Specialty Qualification, Professional Military Education, Additional Skill Identifier, and reoccurring training requirements.

(1) Compensation occurs in eight course hour increments using Drill Type 42 EBDL Additional Training Drill Assemblies (ATDA). For courses with fewer than eight course hours, combining courses is authorized to achieve a cumulative number of eight-hour increments.

(2) The same applies for awarding retirement points. Eight (8) hours of completed course work is required for an award of one (1) retirement point, and combining multiple courses is authorized to achieve a cumulative number of hours in eight-hour increments.

(3) Completion of EBDL Courses is available to Soldiers of all ranks.

c. Retirement points are awarded upon successful completion of approved courses. The Soldier is awarded constructive credit for one or more IDT periods as an Additional Training Assembly (ATA) for distributed learning without pay and allowances.

d. The Readiness Divisions are responsible for processing all TPU nonpaid retirement points. HRC does not process TPU nonpaid retirement points. To submit for retirement points, a Soldier should complete a DA Form 1380 and the units Army Reserve Administers, Reserve Personnel Action Centers, or Human Resources professional will then utilize the Personnel Actions Guide to process the request to the respective RD.

e. Soldier cannot exceed the maximum allowable retirement points in any anniversary year for inactive duty training, to include the 15 military membership points. The maximum allowable IDT points authorized per anniversary year is 130. Courses taken one fiscal year (FY) (i.e., FY22) when the course is added to the approved EBDL list the next FY (i.e., FY23) are not authorized and back dating documentation is not authorized.

2. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component TPU
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individuals mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, 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. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points.

c. Paragraph 2-4b(5) (Criteria for awarding retirement points) states, in accordance with the 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 (1) retirement point and be paid for one (1) IDT for every 8 hours of distance learning completed.

d. Table 2-4 (Award of IDT retirement points) Rule 20 provides that, when assigned/attached Soldier performs other individual IDT duty in a non-pay training status and is authorized under AR 140-1, the individual will be authorized points under the 4-hour/8-hour rule.

e. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record IDT by —

(1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points).

f. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the months report and then place in the appropriate Army records information management system file. 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. DA Form 1380 will be scanned into the Soldiers integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

g. Paragraph 3-4 (Electronic-Based Distance Learning (EBDL)) states, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107, section 603), authorized compensation to certain members of the Selected Reserve. Pursuant to Title 37, U.S. Code, section 206(d), a member of the Selected Reserve of the Ready Reserve may be paid compensation at a rate and under terms determined by the Secretary of Defense upon the members successful completion of a course of instruction undertaken by the member using EBDL methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. This regulation provides discretionary payments only for members of the Selected Reserve not in active service or on active duty who are directed by their commanders to complete training requirements related to unit readiness or mobilization, by means of EBDL.

//NOTHING FOLLOWS//