

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 August 2024

DOCKET NUMBER: AR20230014065

APPLICANT REQUESTS: in effect, retirement points for correspondence courses completed in November 2010 and March 2011.

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

- DD Form 149 (Application for Correction of Military Record)
- Legal Administrator Pre-Appointment Course Certificate of Completion, 5 November 2010
- Pre-Advanced Leaders Course Certificate of Completion, 11 March 2011
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 17 October 2023

FACTS:

1. The applicant did not file within the three year time frame provided in Title 10, United States 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 he requests to update his retirement points for November 2010 and March 2011. He completed a total of 90 course hours of distance-based training specific to his career field and professional development. The completed training was accomplished in an unpaid status. However, he is entitled to retirement points per Army regulation since they were completed prior to 2016. He is close to retirement and would like to ensure that his service is properly computed and compensated.

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

a. Having prior enlisted service in the U.S. Army Reserve (USAR), a DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve warrant officer and executed his oath of office on 20 October 2011.

b. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 17 January 2024, which shows his total career retirement points earned as – 422 Inactive Duty Training (IDT), 33 Extension Course, 345 Membership, 5074 Active Duty Training (ADT), 23 years Qualifying for Retirement, 5739 Points Earned, and 5724 Points Creditable. In relevant part, the form also shows for the completed anniversary years listed below, he earned the following retirement points:

- 19 December 2009 to 18 December 2010 – 42 IDT, "7 Extension Course", 15 Membership, 28 ADT, 1 year Qualifying for Retirement, 92 Points Earned, and 92 Points Creditable
- 19 December 2010 to 19 October 2011 – 25 IDT, "23 Extension Course", 13 Membership, 80 ADT, 10 months and 1 day Qualifying for Retirement, 141 Points Earned, and 141 Points Creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 10 August 2024, which shows his total career retirement points earned as – 422 IDT, 33 Extension Course, 315 Membership, 4332 ADT, 21 years Qualifying for Retirement, 4967 Total Points Creditable. In relevant part, the form also shows for the completed anniversary years listed below, he earned the following retirement points:

- 19 December 2009 to 18 December 2010 – 42 IDT, 7 Extension Course, 15 Membership, 28 ADT, 1 year Qualifying for Retirement, and 92 Total Points Creditable
- 19 December 2010 to 19 October 2011 – 25 IDT, 23 Extension Course, 13 Membership, 80 ADT, 10 months and 1 day Qualifying for Retirement, 141 Total Points Creditable

4. In support of his request the applicant provides:

a. Legal Administrator Pre-Appointment Course Certificate of Completion dated 5 November 2010, which shows he completed a 20 credit-hour course on Judge Advocate General (JAG) University administered by the Distributed Learning Division of The JAG's Legal Center and School.

b. Pre-Advanced Leaders Course Certificate of Completion dated 11 March 2011, which shows he completed a 70 credit-hour course on JAG University administered by the Distributed Learning Division of The JAG's Legal Center and School.

c. DA Forms 1380 dated 17 October 2023, submitted for points only for the completed anniversary years 19 December 2009 to 18 December 2010 and 19 December 2010 to 19 October 2011. The forms were signed by the Deputy Commander (Lieutenant Colonel [REDACTED]), and show the applicant's dates, hours, retirement points, location and nature of duties, training, or instruction, as follows:

- 3 and 4 November 2010 – for 8 hours, N2 (nonpaid), "Home of Record, Legal Administrator Pre-Appointment Course"; Totaling: 4 points
- 5 November 2010 – for 4 hours, N1 (nonpaid), Home of Record, Legal Administrator Pre-Appointment Course; Totaling: 1 point
- 3 to 10 March 2011 – for 8 hours, N2 (nonpaid), "Home of Record, Pre-Advanced Leadership Course"; Totaling: 16 points
- 11 March 2011 – for 4 hours, N1 (nonpaid), Home of Record, Pre-Advanced Leadership Course; Totaling: 1 point

5. On 26 June 2024, the Chief, Personnel Services Division, U.S. Army Human Resources Command (HRC), provided an advisory opinion for this case and stated:

a. This memorandum is in response the Army Review Boards Agency's request dated 6 June 2024, on behalf of the applicant's request for the accreditation of retirement points for correspondence courses completed in November 2010 and March 2011.

b. HRC reviewed the applicant's application, supporting documentation, and retirement points history. The Essential Personnel Services (EPS) Branch Retirement Points Team validated the accuracy of retirement points entered into the Retirement Points Accounting System (RPAS) on 15 March 2013.

c. The applicant earned one (1) retirement point for every three (3) hours completed in correspondence courses. Until 15 April 2016, the Army awarded one retirement point for every three credit hours completed in the Army Correspondence Course Program (ACCP). The current Retirement Accounting Statement (DA Form 5016) reflects the applicant's completion of the 20-hour Legal Administrator Pre-Appointment course on 5 November 2010 (20 hours/3 points = 7 points), contributing to seven extension course points for the year from 19 December 2009 to 18 December 2010. Additionally, the applicant earned 23 extension course points for completing the 70-hour Pre-Advanced Leaders Course on 11 March 2011 (70 hours/ 3 points = 23 points), covering the year from 19 December 2010 to 18 December 2011. These points have been accurately recorded in the system.

6. On 3 July 2024, the applicant was provided a copy of the HRC advisory opinion 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 findings outlined in the HRC advisory opinion stating the applicant had already been awarded the appropriate retirement points for the requested military service, and the lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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.

2/5/2025

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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the USAR. Paragraph 3-28 (Army correspondence courses) states, USAR Soldiers who cannot take part in Reserve duty training, or wish to augment this training, may enroll in Army courses. Retirement points will be credited at the rate of 1 point for each 3- credit hours of nonresident instruction successfully completed. Correspondence courses, when used by a unit as part of an IDT training schedule, will not be credited to the soldier for retirement point credit. IDT pay is not authorized for correspondence courses.

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting), in effect at that time, prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for USAR Soldiers. In pertinent:

a. Paragraph 2-4a (Criteria for awarding retirement points) states, personnel on Active Duty, Active Duty for Training (ADT), Initial ADT, involuntary ADT, or Annual Training 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.

b. Paragraph 2-4b states, 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.

(1) Four-hour rule. 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.

(2) Two-hour rule. 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 assemblies. Maximum of 1 point in 1 calendar day.

(3) Two/eight-hour rule. 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

assemblies. 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.

c. Paragraph 2-4c states, points may not be awarded under more than one of the rules in b above during any single calendar day.

d. Paragraph 2-4d states, no individual may be awarded a total of more than 2 points for IDT in 1 calendar day, with the following exceptions:

(1) TPU soldier who recruits a new member as specified under rule 17 in Table 2-1.

(2) Correspondence courses completed as specified under rule 4 in table 2-1.

e. Table 2-1 (Award of IDT retirement points), Rule 4 states, when the individual completed Army correspondence course nonresident instruction, and is a Selected Reserve Soldier in Training/Pay Categories (T/PC), A, B, C, M, P, or Q or Individual Ready Reserve or Standby Reserve Soldier (H, D, G, or N), the individual will be awarded 1 point for each 3 credit hours satisfactorily completed.

//NOTHING FOLLOWS//