

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 August 2024

DOCKET NUMBER: AR20230014452

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 27 September 2023, were accepted, and added to his record for the anniversary year of 25 April 2023 to 24 April 2024.

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, U.S. Army Reserve Command (USARC) Memorandum - Subject: United States Army Reserve (USAR) Electronic-Based Distributed Learning (EBDL) Policy, 1 December 2022
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Report), 6 September 2023
- DA Forms 1380, 27 September 2023
- Email communication, 12 October 2023

FACTS:

1. The applicant states:

a. He has not been awarded 28 retirement points for completing EBDL professional military education course. His S-1 states that they are unable to process points-only DA Forms 1380 and that it is the 99th Readiness Division's policy that requests for retirement points go through the Army Review Boards Agency (ARBA).

b. His personnel section and the 99th Reserve Readiness Division (RD) state they are unable to process points-only actions. They directed him to use ARBA and the record correction process as the only means to add the retirement points earned through the EBDL course. The U.S. Army Reserve Command (USARC) policy memorandum "United States Army Reserve (USAR EBDL Policy" dated 1 December 2022, reference 2, lists the course "Interm Level Education - Advanced Operations / 1-250-C3B (DL)" as authorized for compensation.

c. He has the Academic Evaluation Report (DA Form 1059) in his record indicating the course was completed. Paragraphs 5a and 5b of the USARC policy state that pay and points are awarded in 8-hour increments. The course is listed as 327 hours, which equates to 40 8-hour days. The policy memorandum paragraph 9 limits paid participation to 12 days per fiscal year (FY), which have already been paid and those 12 points were added to his record.

d. As the unit paid for the first 12 points, this is further evidence they approved his taking the course (they enrolled him in Army Training Requirements and Resource System in the first place) and authorized compensation. The remaining 28 days of the course are authorized for retirement points only, but they have been unable to process the paperwork. Those 28 "points-only" days need to be added to his record of retirement points. His S-1 directed he fill out the DA Forms 1380 for submission here not to exceed 8 lines per document. As a result, there are 4 DA Forms 1380 attached that account for 28 points-only days of the course.

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

a. Having prior Cadet and enlisted Army National Guard service, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office on 10 May 2003.

b. On 12 August 2003, Headquarters, United States Army Cadet Command published Orders Number 224-10-A-2106, which ordered the applicant to active duty for 4 years, effective 2 September 2003.

c. On 1 October 2017, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably released from active duty and was transferred to the USAR Control Group (Reinforcement).

d. On 1 March 2018, the U.S. Army Human Resources Command (HRC) published Orders Number C-03-802507, which released the applicant from the USAR Control Group (Reinforcement) and assigned him to the U.S. Army Office of the Deputy Chief of Staff, G-1 (Pentagon), effective 1 March 2018. Additional instructions state he was "Authorized for Drilling Individual Mobilization Augmentee Program".

e. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 24 May 2024, which shows his total career retirement points earned as – 278 Inactive Duty Training (IDT), 119 Membership, 5309 Active Duty Training (ADT), 21 years Qualifying for Retirement, 5706 Points Earned, and 5706 Points Creditable. In relevant part, page 2 shows a "Y" in the "Paid / Non-Paid" column for 7, 14, 21 and 28 July 2023, and 24 through 31 August

2023. The form also shows for the completed anniversary year 25 April 2023 to 24 April 2024, he earned the following retirement points:

- 52 IDT
- 15 Membership
- 15 ADT
- 1 year Qualifying for Retirement
- 82 Points Earned
- 82 Points Creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 16 August 2024, which does not show the anniversary year in question.

3. In support of his request the applicant provides:

a. Headquarters, USARC Memorandum - Subject: USAR EBDL Policy, dated 1 December 2022, which 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:

(1) 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 (MOSQ), Professional Military Education (PME), Additional Skill Identifier (ASI), and reoccurring training requirements.

(2) 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.

(3) 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 (ARA), Reserve Personnel Action Centers (RPAC), or HR professional will then utilize the Personnel Actions Guide (PAG) to process the request to the respective RD.

(4) 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.

b. DA Form 1059-2 dated 6 September 2023, which shows, he completed the Intermediate Level Education (ILE) - Advanced Operations Course (AOC), 22-003. The duration of the course was from 19 September 2022 to 6 September 2023.

c. DA Forms 1380 dated 27 September 2023, which were completed incorrectly for attendance at ILE - AOC EBDL for the periods of 23 to 27 July and 29 to 31 July 2023; and 1 to 10 August, 12 to 17 August, and 19 to 23 August 2023. The forms are not signed by an official having knowledge of the duties performed, and the hours are incorrect.

d. Email dated 12 October 2023, between the applicant and the Joint Staff Army Reserve Element, Army Reserve Administrator, S-1, wherein, the ARA stated, the applicant's Points-Only DA Forms 1380 were Returned without Action from the RD. The RD is not currently processing DA Forms 1380 for Points Only for EBDL and/or correspondence courses in lieu of pay. The ARA direct the applicant to request points only be granted through the ARBA via their online portal using a DD Form 149.

4. On 2 May 2024, Headquarters, USARC, STL, 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 be awarded 40 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The course 1-250-C3B (DL) is 327 academic hours and one (1) retirement point can be awarded for every eight (8) hours of course work.

b. The applicant will need to resubmit the DA Forms 1380. The following corrections need to be made: (1) Block 9b. should be 8. (2) Block 11 will need to be signed by an officer having knowledge of duties performed. (3) The forms cannot exceed 327 hours total.

5. On 10 May 2024, the applicant was provided a copy of the USARC 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 available documentation, the findings and recommendation in the USARC advisory opinion, and the lack of any rebuttal of those findings and recommendation submitted by the applicant, 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

:	:	:	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 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 hours of completed course work is required for an award of one 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 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 Troop Program Units (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. 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).

e. 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).

f. 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//