

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 August 2024

DOCKET NUMBER: AR20230014771

APPLICANT REQUESTS: in effect, correction of her DA Form 5016 (Retirement Accounting Statement) to reflect the additional retirement points for her completion of the U.S. Army Command and General Staff Officer Course Intermediate Level Education (ILE) distance learning in Retirement Year Ending (RYE):

- 11 November 2012 for 12 non-paid retirement points
- 11 November 2014 for 17 non-paid retirement points
- 11 November 2015 for 12 non-paid retirement points

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 or Reserve Duty Training) for 14 through 21 May 2012
- DA Form 1380 for 22 through 25 May 2012
- DA Form 1380 for 16 through 23 June 2014
- DA Form 1380 for 1 through 4 July, 20 through 21 September and 18 through 19 October 2014
- DA Form 1380 for 20 October 2014
- DA Form 1380 for 14 through 21 February 2015
- DA Form 1380 for 4 through 7 March 2015
- The Command and General Staff College Diploma
- 18th Field Hospital Memorandum, Subject: Letter of Lateness Request to Process DA Form 1380 for Retirement Points Only, Lieutenant Colonel (LTC) [REDACTED]
- Student Management System, Fort Leavenworth, KS transcript screenshot

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 in effect, she requests the correction of her DA Form 5016 (Retirement Accounting Statement) to reflect the additional retirement points for her completion of the U.S. Army Command and General Staff Officer Course Intermediate Level Education distance learning in Retirement Year Ending (RYE):

- 11 November 2012 for 12 non-paid retirement points
- 11 November 2014 for 17 non-paid retirement points
- 11 November 2015 for 12 non-paid retirement points

When she was attending a Retirement Seminar, she learned Soldiers could be awarded retirement points for completion of Professional Military Education. Unit this time, she was not aware that when she completed CGSC ILE distance learning she could be awarded retirement points. she submitted her request in Integrated Personnel and Pay System – Army (IPPS-A), but it was rejected with the explanation that the Readiness Divisions were not awarding retirement points in lieu of pay for Electronic Based Distance Learning (EBDL) /correspondence courses. However, the Army Review Boards Agency may grant the awarding of retirement points in lieu of pay.

3. A review of the applicant's service record shows:

a. With prior U. S. Army Reserve (USAR) enlisted service, the applicant executed her oath of office on 23 December 1999 and was appointed a Reserve commissioned officer in the rank of second lieutenant.

b. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty for training effective 19 March 2000. She was honorably released from active duty on 25 May 2000 after she completed 2-months and 7-days of active service.

c. On 6 October 2003, by authority of Orders Number 03-279-00040, issued by 332nd Medical Brigade, the applicant was ordered to active duty in support of Operation Enduring Freedom effective 16 October 2003. On 25 September 2004, she was honorably released from active duty. DD Form 214 shows she completed 11 months and 10 days of active service.

d. On 4 March 2008, by authority of Orders Number 08-064-00026, issued 8th Medical Brigade, the applicant was ordered to active duty in support of Operation Enduring Freedom effective 20 March 2008. On 28 April 2009, she was honorably released from active duty. Her DD Form 214 shows the applicant completed 1 year, 1 month, and 9 days of active service.

e. On 17 January 2013, by authority of Orders Number 13-017-00064, issued by the 3rd Medical Deployment Support Command, the applicant was ordered to active duty in

support of Operation Enduring Freedom effective 7 March 2013. On 15 February 2014, she was honorably released from active duty. Her DD Form 214 shows the applicant completed 11 months and 9 days of active service.

f. U. S. Army CGSC transcripts show the applicant was awarded a diploma for attending CGSC ILE during the period of 15 May 2012 through 7 March 2015. Also, the applicant's DA Form 1059 (Service School Academic Evaluation Report) shows she achieved course standards for the Command and General Staff Officer Course ILE during the period of 15 May 2012 through 7 March 2015.

g. On 27 August 2018, by authority of Orders Number C-08-810243, issued by the U. S. Army Human Resources Command (AHRC), the applicant was assigned to the USAR Control Group Individual Mobilization Augmentee effective 1 October 2018.

h. On 4 May 2020, by authority of Orders Number HR-0125-00004, issued by the AHRC, the applicant was ordered to active duty for operational support (ADOS) effective 4 May 2020. On 30 September 2020, she was honorably released from active duty. Her DD Form 214 shows she completed 4 months and 27 days of active service.

i. On 1 October 2020, by authority of Orders Number HR-0275-00019, issued by the U. S. AHRC, the applicant was ordered to ADOS effective 5 October 2020. On 1 April 2021, the applicant was honorably released from active duty. Her DD Form 214 shows the applicant completed 5-months and 27-days of active service.

j. On 15 July 2021, by authority of Orders Number HR-1196-00002, issued by AHRC, she was ordered to active duty in support of Coronavirus effective 26 July 2021.

k. On 20 October 2021, by authority of Orders Number C-10-111119, issued by AHRC, the applicant was assigned to the USAR Troop Program Unit effective 23 December 2021.

l. On 7 February 2024, by authority of Orders Number 7206462, issued by Department of the Army, the applicant was assigned to the Retired Reserve effective 14 February 2024.

m. The applicant's DA Form 5016 (Retirement Accounting Statement) shows the applicant obtained in RYE:

- 11 November 2012 – 47 inactive duty points, 15 membership points and 14 active duty points for a total of 76 creditable points
- 11 November 2014 – 30 inactive duty points, 15 membership points and 102 active duty points for a total of 147 creditable points

- 11 November 2015 – 48 inactive duty points, 15 membership points and 13 active duty points for a total of 76 creditable points

n. On 1 May 2024, by authority of Orders Number C05-494606, issued by ARHC, the applicant was placed on the retired list effective 15 February 2024.

o. The applicant's Soldier Management Services - WEB Portal (SMS WEB) Retirement Points Detail shows the applicant was awarded retirement points the following date which conflict with the requested dates:

- 21 February 2015 for inactive duty training awarded 2 points
- 18 through 19 October 2014 for inactive duty training awarded 2 points each day
- 20 through 21 September 2014 for inactive duty training awarded 2 points each day
- 13 through 26 May 2012 for active duty for training awarded a total of 14 points

4. The applicant provides:

a. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase I course work during the period of 14 through 21 May 2012.

LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

b. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase I course work during the period of 22 through 25 May 2012. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

c. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase II course work during the period of 16 through 23 June 2014. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

d. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase II course work during the period of 1 through 4 July, 20 through 21 September and 18 through 19 October 2014. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

e. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase II course work during the period of 20 October 2014. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

f. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase III course work during the period of 14 through 21 February 2015. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

g. DA Form 1380 dated 11 October 2023 which shows the applicant completed 4-hours each day to be awarded one non-paid retirement point for each day completing CGSC ILE Phase III course work during the period of 4 through 7 March 2015. LTC [REDACTED] the 18th Field Hospital Commander digitally signed the DA Form 1380 on 16 October 2023 as the officer who had knowledge of the duties performed.

h. CGSC diploma which shows the applicant graduated the Command and General Staff Officer Course on 7 March 2015.

i. 18th Field Hospital memorandum, Subject: Letter of Lateness Request to Process DA Form 1380 for Retirement Points Only, LTC [REDACTED] (the applicant) which in effect shows the commander requested an exception to policy for the applicant's DA Form 1380 to be processed though they were signed more than 60-days after the completed training. The reason for the lateness was the applicant realized years after the completion of the CGSC ILE course she was never compensated for the completion of the course.

j. Student Management System Fort Leavenworth, KS screenshot shows the grades and submission dates for various classes for an unknown course.

5. On 24 May 2024, in the processing of this case, Headquarters, U. S. Army Reserve Command, provided an advisory opinion regarding the applicant's request to be awarded non-paid retirement points for the completion of CGSC ILE. The advisory official recommended that no administrative relief be granted. For EBDL the regulatory guidance is one point for every 8-hours of course work. The applicant would need to correct her DA Form 1380 to reflect 8-hours of course work to be awarded one non-paid retirement point.

6. On 7 June 2024, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. 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 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 the Headquarters, U. S. Army Reserve Command – Military Services Office advisory opinion, the Board noted the advising official recommendation for the applicant to correct her DA Form 1380 and re-submit

2. The Board determined there was sufficient evidence to support the applicant's contentions for correction of her DA Form 5016 to reflect the additional retirement points for her completion of the U.S. Army Command and General Staff Officer Course Intermediate Level Education (ILE) distance learning in Retirement Year Ending (RYE): for 11 November 2012 for 12 non-paid retirement points - 11 November 2014 for 17 non-paid retirement points and 11 November 2015 for 12 non-paid retirement points. The Board agreed, based on the opine EBL is one point for every eight hours. The applicant's D A Form 1380 column 9b should be an 8 and column 9c N! per regulatory guidance. The applicant needs to correct her DA Form 1380 and re-submit for non-paid retirement points. As such, the Board granted relief upon to her correction so that her DA Form 5016 reflect the additional retirement points for her completion of the U.S. Army Command and General Staff Officer Course Intermediate Level Education (ILE) distance learning in Retirement Year Ending (RYE):

- 11 November 2012 for 12 non-paid retirement points
- 11 November 2014 for 17 non-paid retirement points
- 11 November 2015 for 12 non-paid retirement points

BOARD VOTE:


Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 show the applicant re-submitted her corrected DA Form 1380's to Human Resources Command so that her DA Form 5016 reflect the additional retirement points for her completion of the U.S. Army Command and General Staff Officer Course Intermediate Level Education (ILE) distance learning in Retirement Year Ending (RYE):

- 11 November 2012 for 12 non-paid retirement points
- 11 November 2014 for 17 non-paid retirement points
- 11 November 2015 for 12 non-paid retirement points

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 3 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 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve (USAR) training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.
 - a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year area. Maximum-365 (366 during leap year) points. Retirement points credited for activities other than active service or funeral honors duty may not exceed:

- For any anniversary years closing before 23 September 1996: 60 retirement points
- For anniversary years closing on or after 23 September 1996 but before 30 October 2000: 75 retirement points
- For anniversary years closing on or after 30 October 2000 but before 30 October 2007: 90 retirement points
- For anniversary years closing on or after 30 October 2007: 130 retirement points

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. 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. Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies

- Four/eight-hour rule; Soldiers earn one point for each 4-hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8-hours for a maximum of two points in 1 calendar day
- Eight-hour rule; approved Electronic Based Distance Learning (EBDL) courses will be awarded to members of the Selected Reserve (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

d. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid 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. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

f. Paragraph 3-4 (EBDL), Soldiers may only receive compensation and retirement credit for EBDL courses listed in ATRRS after command pre-approval. Additional EBDL for Reserve compensation are authorized only for SELRES Soldiers in the paid drill strength of the Army Reserve, including drilling IMA Soldiers. Periods of duty used to complete EBDL courses in lieu of regularly scheduled IDT periods will not exceed four periods per fiscal year. The commander, USARC reserves the right to authorize additional drill assemblies while the mandate is unfunded. No more than 12 total additional training assemblies will be performed by any one individual per calendar year. Commanders will ensure that coursework authorized for additional training periods for EBDL is not completed during any other type of training or duty periods. Each 4-hours of successfully completed qualifying EBDL coursework in lieu of regularly scheduled IDT periods will earn a Soldier credit for completion of one additional training period, paid, and one Reserve retirement point. For all training assemblies in excess of 12, a Soldier will earn one additional paid training period and one Reserve retirement point for each 8-hours of successfully completed qualifying EBDL coursework. These are categorized as IDT points and are subject to the annual limit on Reserve retirement points that may be credited in an anniversary year toward retired pay. For EBDL work that totals fewer than 4-hours (in lieu of regularly scheduled IDT periods) or 8-hours (ATA), Soldiers should aggregate the EBDL in multiples of 4-hours or 8-hours to establish IDT periods and determine eligibility for Reserve compensation and Reserve retirement points. Initiate payment only when a Soldier satisfactorily completes a directed EBDL course. Soldiers will not be awarded payment for EBDL completion until the Soldier is issued a DA Form 87 (Certificate of Training) or equivalent proof of completion. All EBDL courses list academic hours in ATRRS, which should be used to calculate compensation. Soldiers are awarded the academic hours listed in ATRRS regardless of the time actually required by the Soldier to complete the EBDL course. Units will record EBDL completion for which a Soldier is compensated on a DA Form 1380 as paid IDT.

3. Department of Defense Instruction (DODI) 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8-hours. One retirement point for members of the Selected Reserve after successfully completing non-resident training and education in an active status for each 4-hours of pay received. A period of non-resident training and education using electronic-based distributed learning methodologies must last at least 4-hours. The Service member must certify that he or she completed it.

4. DoDI 1215.21 (Reserve Component (RC) Use of EBDL Methods for Training), Establishes policy, assigns responsibilities, and provides procedures for members of the Selected Reserve to use electronic-based distributed learning (DL) methods to conduct training away from scheduled unit training assemblies or apart from other collective training time. To be considered for compensation, the proposed qualifying DL training courses must: (1) Be delivered via DL methodologies. (2) Support required training related to unit readiness or mobilization. Training requirements related to unit readiness or mobilization may include courses supporting completion of specific occupational skill qualification, expeditionary, or combat skills training, and annual ancillary/general military training.

//NOTHING FOLLOWS//