

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 September 2024

DOCKET NUMBER: AR20230015279

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to reflect in Retirement Year Ending (RYE) 16 May 2021:

- 15 retirement points for her completion of online courses for performance of virtual unit training assemblies during the Coronavirus Disease (COVID-19) pandemic
- move one retirement point from RYE 16 May 2022 to RYE 16 May 2021
- a personal appearance before the Board via video or telephonically

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

- DD Form 149 (Application for Correction of Military Record) hardcopy
- DD Form 149 online application
- DD Form 149 online application
- DD Form 2813 (Department of Defense (DoD) Active Duty/Reserve/Guard/Civilian Forces Dental Examination
- Joint Knowledge Online (JKO) Joint Staff Military Equal Opportunity Policy Basic Training Certificate
- JKO Counterintelligence Reporting and Awareness (CIAR) certificate
- JKO Antiterrorism (AT) Awareness Level I Training certificate
- JKO DoD Cyber Awareness Challenge certificate
- JKO Operations Security (OPSEC) Annual Refresher certificate
- JKO Active Shooter certificate
- JKO Annual AtHoc Training certificate
- JKO Command and Control Facilities (C2F) Alarm Training certificate
- JKO C2F Fire Safety and Evacuation Training certificate
- JKO J6 Government Travel Cardholder Training certificate
- JKO Joint Staff Annual Ethics Training certificate
- JKO Joint Staff Privacy Act Awareness certificate
- JKO Not Releasable to Foreign Nationals (NOFORN) Classification Training certificate
- JKO U.S. Strategic Command (USSTRATCOM) Records Management Training certificate

- JKO Security and Policy Briefing certificate
- JKO Severe Weather Training certificate
- JKO Unauthorized Disclosure of Classified Information certificate
- JKO Derivative Classification Training certificate
- JKO Initial Security Marking Training certificate
- JKO Protecting Access to Space certificate
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for September 2020
- DA Form 1380 for October 2020
- DA Form 1380 for Points Only Field Guide
- DA Form 1380 for 12 May 2021
- Leave and Earnings Statement (LES)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. 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 when she identified the error, she made numerous attempts through her units to correct this issue to no avail. In a separate application, the applicant states she attended her required dental examination on 12 May 2021; however, she was paid for this appointment on 12 May 2022 in error. She requests the retirement points for this duty to be moved from RYE 16 May 2022 to 16 May 2021 because it was credited in the wrong RYE.

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

a. On 1 December 2008, having had prior Regular Army commissioned service, the applicant executed her oath of office and was appointed as a Reserve commissioned officer.

b. On 6 February 2009, Orders Number C-02-902192, issued by the U.S. Army Human Resources Command (AHRC), assigned the applicant to the U.S. Army Reserve (USAR) Control Group (Individual Mobilization Augmentee (IMA)), effective 6 February 2009.

c. On 14 March 2011, Orders Number C-03-103929, issued by AHRC, assigned the applicant to the USAR Control Group (Reinforcement), effective 4 March 2011.

d. On 23 July 2013, Orders Number C-07-310428, issued by AHRC, assigned the applicant to a USAR Troop Program Unit (TPU), effective 23 July 2013.

e. On 1 March 2016, Orders Number 16-061-00088, issued by HQs, 88th Regional Support Command, assigned the applicant to the USAR Control Group (Reinforcement), effective 1 April 2016.

f. On 14 May 2018, Orders Number C-05-805832, issued by AHRC, assigned the applicant to a USAR TPU, effective 11 May 2018.

g. DA Form 1380 shows on 25 July 2021, the applicant requested Readiness Management Assemblies (RMA) for:

- 24 June 2021 for attending her Logistics Health Incorporated (LHI) vision screening for one paid retirement point
- 15 July 2021 for attending her LHI dental examination for one paid retirement point

First Sergeant [REDACTED] digitally signed the DA Form 1380 on 25 July 2021 as the officer who had knowledge of the duties she performed.

h. DA Form 5016 dated 22 September 2023 shows for RYE 16 May 2021 the applicant earned 19 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points for a total of 34 creditable points.

4. The applicant provides:

a. DD Form 2813 which shows the applicant completed her dental examination on 12 May 2021.

b. JKO training certificate which shows the applicant successfully completed the Joint Staff Military Equal Opportunity Policy Basic Training course on 28 September 2020. The course duration was 1-hour.

c. JKO training certificate which shows the applicant successfully completed the Counterintelligence Reporting and Awareness course on 30 September 2020. The certificate did not identify the duration of the course.

d. JKO training certificate which shows the applicant successfully completed the AT Awareness Level I Training course on 12 October 2020. The course duration was 2-hours.

e. JKO training certificate which shows the applicant successfully completed the DoD Cyber Awareness Challenge course on 12 October 2020. The course duration was 1-hour.

f. JKO training certificate which shows the applicant successfully completed the OPSEC Annual Refresher course on 12 October 2020. The course duration was 1-hour.

g. JKO training certificate which shows the applicant successfully completed the Active Shooter course on 19 October 2020. The course duration was 30-minutes.

h. JKO training certificate which shows the applicant successfully completed the Annual AtHoc Training course on 19 October 2020. The course duration was 30-minutes.

i. JKO training certificate which shows the applicant successfully completed the C2F Alarm Training course on 19 October 2020. The course duration was 30-minutes.

j. JKO training certificate which shows the applicant successfully completed the C2F Fire Safety and Evacuation Training course on 19 October 2020. The course duration was 30-minutes.

k. JKO training certificate which shows the applicant successfully completed the J6 Government Travel Cardholder Training course on 19 October 2020. The course duration was 1-hour.

l. JKO training certificate which shows the applicant successfully completed the Joint Staff Annual Ethics Training course on 19 October 2020. The course duration was 1-hour.

m. JKO training certificate which shows the applicant successfully completed the Joint Staff Privacy Act Awareness course on 19 October 2020. The course duration was 30-minutes.

n. JKO training certificate which shows the applicant successfully completed the NOFORN Classification Training course on 19 October 2020. The course duration was 15-minutes.

o. JKO training certificate which shows the applicant successfully completed the USSTRATCOM Records Management Training course on 19 October 2020. The course duration was 30-minutes.

p. JKO training certificate which shows the applicant successfully completed the Security and Policy Briefing course on 19 October 2020. The course duration was 15-minutes.

q. JKO training certificate which shows the applicant successfully completed the Severe Weather Training course on 19 October 2020. The course duration was 30-minutes.

r. JKO training certificate which shows the applicant successfully completed the Unauthorized Disclosure of Classified Information course on 19 October 2020. The course duration was 1-hour.

s. JKO training certificate which shows the applicant successfully completed the Derivative Classification Training course on 20 October 2020. The course duration was 1-hour.

t. JKO training certificate which shows the applicant successfully completed the Initial Security Marking Training course on 20 October 2020. The course duration was 3-hours.

u. JKO training certificate which show the applicant successfully completed the Protecting Access to Space course on 21 October 2020. The course duration was 1-hour.

v. DA Form 1380 dated 26 July 2021 which shows the applicant performed IDT for virtual unit training assemblies on:

- 11 September 2020 – 8-hours for two non-paid retirement points completing command and staff administrative newcomer briefing, in-take with Joint Functional Component Command – Integrated Missile Defense
- 22 September 2020 – 4-hours for one non-paid retirement point completing command and staff coordination, voice conference for space training opportunities
- 23 September 2020 – 4-hours for one non-paid retirement point completing command and staff coordination, voice and e-mail discussion for duty position
- 28 September 2020 – 4-hours for one non-paid retirement point completing Joint Staff Equal Opportunity Training course
- 29 September 2020 – 8-hours for two non-paid retirement points completing Insider Threat Awareness, Introduction to Information Security, OPSEC and Unauthorized Disclosure courses
- 30 September 2020 – 4-hours for one non-paid retirement point completing Counterintelligence Awareness and Reporting course

The DA Form 1380 was digitally signed on 26 July 2021 by Lieutenant Colonel (LTC) ■■■ as the commander as the officer who had knowledge of duties performed.

w. DA Form 1380 dated 26 July 2021 which shows the applicant performed IDT for virtual unit training assemblies on:

- 12 October 2020 – 4-hours for one non-paid retirement point completing the AT Level I, DoD Cyber Awareness Challenge and OPSEC courses
- 18 October 2020 – 4-hours for one non-paid retirement point completing the Active Shooter, AtHoc, C2F, Annual Ethics Training, J6 Government Travel Card, Law of War, NOFORN and Unauthorized Disclosure courses
- 19 October 2020 – 8-hours for two non-paid retirement points completing the Active Shooter, AtHoc, C2F, Annual Ethics Training, J6 Government Travel Card, Law of War, NOFORN and Unauthorized Disclosure courses
- 20 October 2020 – 4-hours for one non-paid retirement point completing the Initial Security Marking Training and Derivative Classification Training courses
- 21 October 2020 – 4-hours for one non-paid retirement point completing Protecting Access to Space course
- 23 October 2020 – 4-hours for one non-paid retirement point completing command and staff coordination with unit

The DA Form 1380 was digitally signed on 26 July 2021 by LTC [REDACTED] as the commander as the officer who had knowledge of duties performed.

x. The DA Form 1380 for points Only Field Guide which contains the instructions for submitting requests for points only credit from the AHRC Reserve Personnel Management Directorate, Operations Readiness Division, Personnel Actions Branch.

y. DA Form 1380 dated 31 May 2022 which shows the applicant requested points only for the completion of her dental examination on 12 May 2021 for 4-hours and one non-paid retirement points. The DA Form 1380 was digitally signed on 22 May 2022 by Master Sergeant [REDACTED] Noncommissioned Officer in Charge as the officer who had knowledge of the duties performed.

z. LES dated 6 July 2022 which shows the applicant was paid for an additional assembly for nuclear training on 12 May 2022 for 4-hours and attached was a DD Form 2813 which shows the applicant completed a dental examination on 12 May 2021 and the DA Form 1380 requesting points only.

5. On 17 July 2024, in the processing of this case, the U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request for the correction of her DA Form 5016. The advisory official stated upon review of her documents it was determined she should be awarded eight points. She submitted the DA Forms 1380 in a timely manner, but due to the COVID-19 pandemic they were not processed. She made several attempts through her units to correct the error. A favorable adjudication would allow the Readiness Division to update her DA Form 5016.

6. On 19 July 2024, the Case Management Division, Army Review Boards Agency, provided the applicant the advisory opinion for review and comment. The applicant responded via e-mail; she inquired why the advisory opinion only recommended she be awarded eight retirement points instead of the 15 which she requested for the period of September through October 2020. She also wanted to know why her application in which she requested a retirement point be moved from RYE 16 May 2022 to RYE 16 May 2021 due to an error in processing was closed and not addressed.

BOARD DISCUSSION:

1. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.
2. A majority of the Board found the evidence supports adding 15 retirement points to the applicant's record for the retirement year ending 16 May 2021. The Board unanimously found the evidence supports moving a point from the retirement year ending 16 May 2022 to the retirement year ending 16 May 2021.
3. The member in the minority concurred with the advisory official conclusion that the evidence supports adding 8 retirement points to the applicant's record. The member in the minority determined this partial relief should be applied to the retirement year ending 16 May 2021.

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 amending her DA Form 5016 as follows:

- Add 15 inactive duty points to the retirement year ending 16 May 2021
- Take one inactive duty point from the retirement year ending 16 May 2022 and add it to the retirement year ending 16 May 2021

2/26/2025

X [REDACTED]

CHAIRPERSON

[REDACTED]

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 (AR) 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. Department of Defense Instruction 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.

5. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//