

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 October 2024

DOCKET NUMBER: AR20240000348

APPLICANT REQUESTS:

- a. retirement points be awarded for military related duty performed during Fiscal Year 2021 and 2022.
- b. a personal appearance hearing before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant Memorandum for Record, Request for Retirement Points, 15 November 2023
- 12 pages of electronic mail (email)
- Certificate of Completion, Department of Defense Cyber Awareness Challenge 2021, 23 June 2021
- Certificate of Completion, Combat Trafficking in Persons General Awareness Training, 15 September 2021
- Certificate of Completion, Antiterrorism Level 1 Awareness Training, 15 September 2021
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 15 November 2023
- Applicant Memorandum for Record, Comments to Advisory Opinion, 10 July 2024
- 21 pages of email
- Personnel Action Request, 18 November 2023
- Approval Chain, 29 November 2023

FACTS:

1. The applicant states, in effect, during Fiscal Year 2021 and 2022, some of the military duties performed were not recorded due to his own oversight. He requests retirement points be awarded for the military related duty performed on:

a. 15 June 2021 - performed administrative tasks, correspondence, and completed Officer Evaluation Report (OER) (8 hours).

b. 23 June 2021 - conducted online training, conference calls (4 hours).

c. 4 September 2021 - administrative tasks, email correspondence (4 hours).

d. 15 September 2021 - conducted online training and administrative tasks (8 hours).

e. 23 October 2021 - completed online training (8 hours).

f. 7 March 2022 - participated in conference calls and other administrative tasks to prepare for combined command post training (CCPT) 22.01 (4 hours).

g. 7 April 2022 - participated in conference calls and other administrative tasks to prepare for CCPT 22.01 (4 hours).

h. 8 April 2022 - participated in conference calls and other administrative tasks to prepare for CCPT 22.01 (4 hours).

2. The applicant is currently serving in an active Army Reserve Troop Program Unit in the rank/grade of major/O-4.

3. The applicant provides a/an:

a. 12 pages of email correspondence from 24 April 2021 to 7 April 2022, concerning his orders for CCPT, completion of cybersecurity training, his pending move to Korea for a civilian position and ability to continue to remain in the unit and maintain his readiness.

b. Certificate of Completion, Department of Defense Cyber Awareness Challenge 2021, 23 June 2021.

c. Certificate of Completion, Combat Trafficking in Persons General Awareness Training, 15 September 2021.

d. Certificate of Completion, Antiterrorism Level 1 Awareness Training, 15 September 2021.

e. DA Form 1380, dated 15 November 2023, authenticated by the officer having knowledge of duties performed on 16 November 2023. The form shows he submitted a

total of 44 hours training or instruction for retirement points only from 15 June 2021 to 8 April 2022.

f. 21 pages of email correspondence from 24 July 2021 to 15 November 2023, concerning electronic based distributed learning funding for pay or retirement points.

g. Personnel Action Request effective 18 November 2023, requesting unpaid retirement points to be added and reflected on his record and an Approval Chain screen noting pushback because the dates requested for points were more than 6 months old. In accordance with Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) and DA G-1 Exception to Policy Memorandum dated 14 November 2023, they are unable to process the request since it was not submitted within 6 months from the performance of duty. Applicant informed to submit his request to this Board.

4. During the processing of this case, on 30 April 2024, an advisory opinion was obtained from the Chief, Military Services Office, Headquarters, U.S. Army Reserve Command (USARC). The advisory official recommended disapproval of the applicant's request and stated, in effect, USARC reviewed the applicant's documents and determined he should not be awarded points in accordance with Army Regulation 140-185. The applicant is outside the six-month window for submitting points. No reason was provided for why the applicant did not submit the DA Forms 1380 on time. If he had tried to submit the points, there should be separate DA Forms 1380 for each month dated in 2021 and 2022.

5. On 14 June 2024, a copy of the advisory opinion was forwarded to the applicant for information and to allow him the opportunity to submit comments or a rebuttal.

6. On 10 July 2024, the applicant responded to the advisory opinion stating, in effect:

a. Due to a pending overseas move for the applicant's civilian position and COVID restrictions at the time, the applicant established a plan to satisfy the drill requirements for the remainder of Fiscal Year 2021 and 2022, which was submitted and approved by the Headquarters and Headquarters Company commander. The plan to submit for Electronic Based Distance Learning (EBDL) pay after completing Intermediate Level Education (ILE) was feasible and practical since it would have been impossible to travel to participate in battle assemblies at the unit and it was a priority task to complete the Professional Military Education (PME) course.

b. The applicant successfully completed all phases of the ILE. After having gone through the proper channel provided by the unit, the EBDL pay was ultimately not approved due to funding issues. The applicant was subsequently asked to submit DA Forms 1380 for other services performed for the Army as rescheduled training

(RST) for points only since getting paid for work performed for the ILE as RSTs was no longer possible. Subsequently, DA Forms 1380 for points only were submitted for other duties performed. The applicant maintained regular contacts with the administrative staff throughout 2022 and 2023 to track the process.

c. Due to the administrative processes and unforeseen delays associated to transition to Integrated Personnel and Pay System-Army (IPPS-A), processing of the DA Forms 1380 was not completed in a timely matter. After several attempts to have the DA Forms 1380 processed via the 63rd Readiness Division Service Request Tracking System and IPPS-A portals, the applicant was ultimately advised to submit the request through Army Board of Correction of Military Records to resolve the issue. The applicant ultimately submitted this request via the Army Case Tracking System on 1 December 2023.

7. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

8. Army Regulation 140-185 prescribes the types of training and activities for which retirement points are authorized. The 4-hour/8-hour rule states Soldiers earn 1 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. Maximum of two points in 1 calendar day.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. One potential outcome was to grant relief based on the applicant's pending overseas move and COVID restrictions at the time, the applicant established a plan to satisfy the drill requirements for the remainder of Fiscal Year (FY) 2021 and 2022, which was submitted and approved by the HHC commander at the time for points only. However, upon review of the applicant's petition, available military records and Headquarters, U.S. Army Reserve Command (USARC) Chief, Military Services Office advisory opinion, the Board concurred with the advising official finding the applicant submitted his DA Form 1380's outside the six-month window for points.

2. The Board determined there is insufficient evidence to support the applicant's contentions for retirement points be awarded for military related duty performed during Fiscal Year 2021 and 2022. The Board noted, the applicant's response stating he had

coordinated with his HHC commander to satisfy the drill requirements by completing Electronic Based Distance Learning (EBDL) pay after completing Intermediate Level Education (ILE) which was feasible and practical since it would have been impossible to travel to participate in battle assemblies at the unit and it was a priority task to complete the Professional Military Education (PME) course. The Board found the applicant provided no supporting documentation from his HHC commander. As such, the Board based on the advising official denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

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. Army Regulation 140-185 prescribes the types of training and activities for which retirement points are authorized. It discusses the procedures for recording retirement point credits and training for U.S. Army Reserve Soldiers. It provides instructions for completing the DA Form 1379 (U.S. Army Reserve Components Unit Record of Reserve Training) and DA Form 1380. This regulation also covers basic guidance for strength accountability. The regulation applies only to U.S. Army Reserve Soldiers. It does not apply to the Active Army or the Army National Guard.

a. Army Regulation 140-185, Table 2-3 (Award of Inactive Duty Training Retirement Points) Rule 10 states the Soldier performs staff and administrative duties to include staff meetings as additional training for points only in support of troop program unit activities. Soldier is assigned/attached, is not a commander receiving administrative function pay; and is not a Federal Government employee performing in a civilian status in violation of the joint ethics regulation. Points under the 4-hour/8-hour rule except for Battle Assemblies, Re-scheduled training, Equivalent Training, make-up assemblies, or Additional Training Assemblies apply.

b. The 4-hour/8-hour rule states Soldiers earn 1 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. Maximum of two points in 1 calendar day.

2. Army Regulation 15-185 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 that 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. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//