

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 October 2024

DOCKET NUMBER: AR20240001170

APPLICANT REQUESTS: in effect, retirement points be awarded for completion of the required Professional Military Education (PME) course: "Intermediate Level Education (ILE), Phase 2", via Electronic Based Distanced Learning (EBDL).

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

- DD Form 149 (Application for Correction of Military Record)
- 5 DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Email dated 29 November 2023
- 5 Command and General Staff Officer Course (CGSOC) ILE Evaluation forms
- Common Core Chart
- 5 Completion Table Charts (F100, H100, L100, C400, C300A)

FACTS:

1. The applicant states, in effect, ILE is mandatory for majors wishing to be compete for promotion to lieutenant colonel. The course may be attended in person during which a U.S. Army Reserve (USAR) service member is on active-duty orders. Due to timing, the available classes did not fit into his schedule, and he had to complete all 3 phases on his own time via online EBDL courses. According to the 99th Regional Support Command (RSC), EBDL attendance must be paid. However, ILE phase II alone is over 300 hours of work, and he already reached the limit of annual payable drill credits for completion of Phase I during the same fiscal year. Therefore, he submitted DA Forms 1380 for "points only" instead of for pay and points. The forms were returned by the 99th RSC with the remark that applications for "points only" had to be submitted to the Army Review Boards Agency (ARBA).

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. 5 DA Forms 1380 dated 2 November 2023, authenticated by the officer having knowledge of duties performed on 3 November 2023. The forms show he submitted a

total of 320 hours training or instruction for retirement points only from 21 April 2023 to 27 July 2023.

b. An email from the Soldier Support Branch, 99th Readiness Division, dated 29 November 2023, stating the current guidance from USARC is that all EBDL must be paid. They are aware that there are no funds currently. The only place that can direct points for EBDL is ARBA. Once ARBA confirms points can be awarded, then they can process the DA Forms 1380.

c. 5 CGSOC ILE Evaluation Forms. Forms are for Courses: C300A, C400, F100, H100, and L100. Each is authenticated by the Director on December 7, 2023.

d. A chart from the U.S. Army Combined Arms Center highlighting Phase 2 (52 weeks), and 5 completion table charts for courses: C300A, C400, F100, H100, and L100.

4. During the processing of this case, on 23 July 2024, an advisory opinion was obtained from the Chief, Military Services Office, Headquarters, U.S. Army Reserve Command (USARC). USARC reviewed the applicant's documents and determined the applicant should not be awarded points in accordance with Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) and stated the applicant is not automatically entitled to any points in an unpaid status for EBDL. To be considered for points, it would not be under Rule 10 of Army Regulation 140-185, but under paragraph 2-4.b.(5). The applicant could be awarded 1 point for every 8 hours of EBDL. There would need to be a transcript showing the course hours completed and a DA Form 1380 for each month showing in block 9.b. and N1 in block 9.c.

5. On 26 July 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. To date, he has not responded to the advisory opinion.

#### 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. Upon review of the applicant's petition, available military records, and the advisory opinion from Headquarters, U.S. Army Reserve Command (USARC) – Military Services Office, the Board concurred with the advising official's recommendation for disapproval. The Board determined that the applicant is not

automatically entitled to retirement points for completion of Intermediate Level Education (ILE), Phase 2, via Electronic-Based Distance Learning (EBDL) in an unpaid status, in accordance with Army Regulation 140-185.

2. Furthermore, the advisory opinion clarified that consideration for retirement points would not fall under Rule 10 of Army Regulation 140-185, but rather under paragraph 2-4.b.(5). Per regulatory guidance, the applicant could be awarded one point for every eight hours of EBDL coursework. However, such consideration would require supporting documentation, including a transcript verifying completed course hours and a DA Form 1380 for each applicable month, with the necessary entries in block 9.b. and designation of N1 in block 9.c. Based on the advising official’s recommendation and regulatory guidance, the Board determined that the applicant did not provide sufficient evidence to meet the necessary criteria and, therefore, denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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. Paragraph 2-4.b.(5) states for the Eight-hour rule, approved EBDL courses will be awarded to members of the Selected Reserve. Subject to available funding, and as preapproved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed. The 8-hour rule applies for the attendance of authorized conventions, professional conferences, or appropriate trade association meetings in a nonpay status.

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 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//