

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240001303

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect 28 additional non-paid retirement points in Retirement Year Ending (RYE) 6 June 2024.

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters (HQs), 2nd Mission command Training Detachment (MCTD) Memorandum, Subject: Signature Authority
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for 3 through 14 August 2023
- DA Form 1380 for 15 through 26 August 2023
- DA Form 1380 for 27 August and 9 through 11 September 2023
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report)

FACTS:

1. The applicant states he completed the Intermediate Level Education (ILE) – Advanced Operations Course (AOC) and according to the U.S. Army Reserve Command (USARC) Fiscal Year 2023 Electronic Based Distribute Learning (EBDL) policy he should be credited with 327-hours of course work. For the hours he completed, he submitted a DA Form 1380 for 12 Additional Training Assemblies (ATA) at a rate of 8-hours per ATA for a total of 96-hours for pay. For the remaining 231 course work hours divided by 8-hours, he requests the additional 28 non-paid retirement points.

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

a. With prior Regular Army and U.S. Army Reserve (USAR) enlisted service, the applicant executed his oath of office on 7 August 2009 and was appointed as a Reserve commissioned officer in the rank of second lieutenant.

b. On 10 September 2009, Orders Number C-09-916297, issued by the U.S. Army Human Resources Command (AHRC), the applicant was assigned to a USAR Troop Program Unit, effective 7 August 2009.

c. Orders placed the applicant on active duty for training and named operations which culminated in his honorable release from active duty for those periods of service.

d. DA Form 1059 shows the applicant exceeded course standards for the ILE AOC course during the period of 19 September 2022 through 11 September 2023.

e. DA Form 5016 dated 5 July 2024 shows in RYE 5 June 2024 the applicant obtained 60 inactive duty training points, 15 membership points, and 19 active duty training points for a total of 94 creditable points. The Annual Detail Supplement Retirement Accounting Statement shows the applicant received two inactive duty paid retirement points for each day during the period of 9 to 11 September 2023 for a total of 6 paid retirement points. He also was paid additional/other training duty points for:

- 25 through 28 September 2023 for four paid retirement points
- 19 through 21 October 2023 for three paid retirement points
- 3 through 10 December 2023 for eight paid retirement points
- 2 through 5 February 2024 for four paid retirement points

3. The applicant provides:

a. HQs, 2nd MCTD Memorandum, Subject: Signature Authority which shows the individuals who have been authorized to sign DA Form 1380 on behalf of the commander.

b. DA Form 1380 dated 15 September 2023 which shows the applicant completed 4-hours of ILE AOC course work for one non-paid retirement point each day during the period of 3 through 14 August 2023 for a total of 12 non-paid retirement points. The DA Form 1380 was digitally signed on 14 November 2023 by Sergeant First Class (SFC) R- L- as the person who had knowledge of the duty performed.

c. DA Form 1380 dated 15 September 2023 which shows the applicant completed 4-hours of ILE AOC course work for one non-paid retirement point each day during the period of 15 through 26 August 2023 for a total of 12 non-paid retirement points. The DA Form 1380 was digitally signed on 14 November 2023 by SFC R- L- as the person who had knowledge of the duty performed.

d. DA Form 1380 dated 15 September 2023 which shows the applicant completed 4-hours of ILE AOC course work for one non-paid retirement point each day on

27 August 2023 and 9 through 11 September 2023 for a total of 4 non-paid retirement points. The DA Form 1380 was digitally signed on 14 November 2023 by SFC R-L- as the person who had knowledge of the duty performed.

4. On 24 July 2024, in the processing of this case, HQs, USARC provided an advisory opinion regarding the applicant's request for additional non-paid retirement points for the completion of ILE AOC. The advisory official stated a review of the applicant's documents determined he should not be awarded additional retirement points as he was compensated for completion of the course through ATAs.

5. On 26 July 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board reviewed the advisory official's finding regarding the applicant's request for additional non-paid retirement points for the completion of ILE AOC. The Board agreed that based on the applicant's documents, the applicant should not be awarded additional retirement points as he was compensated and received credit for completion of the course through additional training assemblies. AR 140-185 authorizes retirement points to Reserve personnel at the rate of one point for each calendar day they serve in additional training assemblies and may not be awarded additional points for other activities while in an authorized status.

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 (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent Training (ET)), ET is performed in lieu of scheduled training (either Rescheduled Training (RST) or, Unit Training Assembly (UTA) or Multiple Unit Training Assembly (MUTA)). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

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. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

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. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, 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

d. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. 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.

f. 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. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

g. 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 Individual Mobilization Augentee 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 ATA's 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.

//NOTHING FOLLOWS//