

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240001381

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

- two non-paid retirement points in RYE 6 May 2018
- 20 non-paid retirement points in RYE 6 May 2019
- two non-paid retirement points in RYE 6 May 2020

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Completion for Health Insurance Portability and Accountability Act (HIPPA) and Privacy Act Training, 3 October 2016
- Certificate of Completion for Security Training – Annual Awareness Managing Personnel with Clearances/Access to Classified Information
- Joint Knowledge Online (JKO) Certificate of Completion for Survival, Evasion, Resistance, and Escape (SERE) Level A SERE Education and Training in Support of the Code of Conduct
- JKO Certificate of Completion for Antiterrorism (AT) Awareness Training Level 1, 15 September 2017
- DA Form 87 (Certificate of Training) for Army Manager's Internal Control Program Assessable Unit Manager Course
- DA Form 87 for Supervisor Development Course
- Certificate of Completion for HIPPA and Privacy Act Training, 30 January 2019
- Certificate of Completion for AT Awareness Level 1 Training, 8 May 2019
- Emergency Management Institute Certificate of Achievement for Introduction National Response Framework
- Emergency Management Institute Certificate of Achievement for Introduction to the National Incident Management System
- U.S. Army Reserve Command (USARC) approved Electronic Based Distributed Learning (EBDL) List
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for 15 September 2017

- DA Form 1380 for November 2018, January and September 2019
- Headquarters (HQs), 4th Sustainment Command (Expeditionary) (ESC) Memorandum, Subject: Letter of Lateness for Colonel (COL) R- C-, EBDL Retirement Points Request
- DA Form 5016 (Retirement Accounting Statement)

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 he completed several on-line courses in Fiscal Year (FY) 2017 and FY 2019 and should have earned based on the USAR EBDL policy a total of 24 retirement points. His DA Form 1380 were submitted; however, they were not processed in a timely manner.

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

a. With prior U.S. Army Reserve (USAR) enlisted cadet service, on 18 April 1994, Orders Number 67-2-A-207, issued by HQs, U.S. Army Fourth Region U.S. Army Reserve Officers' Training Corps Cadet Command, the applicant was ordered to active duty upon his acceptance of an appointment in the USAR, effective 7 May 1994.

b. On 7 May 1994, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

c. On 12 August 1996, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 2-years, 3-months, and 6-days of active service.

d. On 12 January 1997, the applicant executed his oath of office and was appointed in the Washington (WA) Army National Guard (ARNG) in the rank of 2LT and was extended a temporary Federal recognition.

e. On 28 January 1997, Orders Number C-01-703323, issued by the U.S. Army Human Resources Command (AHRC), the applicant was assigned to the WAARNG, effective 21 January 1997.

f. On 26 February 1997, Special Orders Number 39, issued by the National Guard Bureau (NGB), the applicant was appointed in the WAARNG and extended Federal recognition.

g. On 15 September 2003, the applicant was honorably released from the ARNG and assigned to the USAR Control Group (Reinforcement). NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 6-years, 8-months, and 4-days of service.

h. On 16 October 2003, Special Orders Number 262, issued by the NGB, the applicant's Federal recognition was withdrawn, effective 15 September 2003.

i. On 8 November 2006, Orders Number C-11-635597, issued by AHRC, the applicant was assigned to a USAR Troop Program Unit (TPU), effective 8 November 2006.

j. The applicant was ordered to active duty numerous times in support of Operation Enduring Freedom, Theater Security Cooperation Northern Command, and Coronavirus.

k. On 15 March 2013, Orders Number 13-074-00066, issued by HQs, 81st Regional Support Command, the applicant was assigned to the USAR Control Group (Reinforcement), effective 16 April 2013.

l. On 24 August 2016, Orders Number C-08-611436, issued by the U. S. AHRC, the applicant was assigned to the USAR TPU effective 24 August 2016.

m. On 30 November 2023, Orders Number 6692692, issued by the 81st Readiness Division, the applicant was assigned to the USAR Control Group (Retired Reserve), effective 1 June 2024.

n. DA Form 5016 dated 6 June 2024 shows the applicant was awarded retirement points in RYE:

- 6 May 2018 – 108 inactive duty training points, 15 membership points, and 54 active duty training points for a total of 177 creditable points
- 6 May 2019 – 130 inactive duty training points, 15 membership points, and 37 active duty training points for a total of 167 creditable points, it also shows he exceed the limit for inactive duty for training points
- 6 May 2020 – 30 inactive duty training points, 15 membership points, and 242 active duty training points for a total of 287 creditable points

o. On 8 July 2024, Orders Number C07-496227, issued by AHRC, the applicant was placed on the Retired List, effective 2 June 2024.

4. The applicant provides:

a. Certificate of Completion which shows the applicant successfully completed the HIPPA and Privacy Act Training course on 3 October 2016. The course was 1.5-hours in duration.

b. Certificate of Completion which shows the applicant successfully completed the Annual Awareness Managing Personnel with Clearances/Access to Classified Information on 3 October 2016.

c. JKO Certificate of Completion shows the applicant successfully completed the SERE Level A SERE Education and Training in Support of the Code of Conduct on 14 September 2017. The course was 4-hours in duration.

d. JKO Certificate of Completion shows the applicant successfully completed the AT Awareness Level 1 Training on 15 September 2017. The course was 2-hours in duration.

e. DA Form 87 shows the applicant successfully completed the Army Managers' Internal Control Program (MICP) – Assessable Unit Manager course on 14 November 2018.

f. DA Form 87 shows the applicant successfully completed the Supervisor Development course on 24 January 2019.

g. Certificate of Completion shows the applicant successfully completed the HIPPA and Privacy Act Training course on 30 January 2019. The course was 1.5-hours in duration.

h. Certificate of Completion shows the applicant successfully completed the AT Awareness Level 1 Training course on 8 May 2019.

i. Emergency Management Institute Certificate of Achievement shows the applicant was dedicated to serve in time of crisis upon completion of An Introduction to National Response Framework course on 25 September 2019.

j. Emergency Management Institute Certificate of Achievement shows the applicant was dedicated to serve in time of crisis upon completion of An Introduction to the National Incident Management System course on 25 September 2019.

k. USARC approved EBDL list as of 28 July 2020 shows:

- HIPPA and Privacy Act Training – 1 course hour effective 30 April 2015
- AT Awareness Level 1 Training – 2 course hours effective 30 October 2014

- Annual Awareness; Managing Personnel with Clearances/Access to Classified Information – 1 course hour effective 30 October 2014
- Army MICP – Assessable Unit Manager Course – 40 course hours effective 30 October 2014
- Supervisor Development Course – 39 course hours effective 24 February 2017
- National Response Framework, An Introduction – 3 course hours effective 24 February 2017
- National Incident Management System – 3 course hours effective 30 April 2015
- SERE Level A SERE Education Training – 4 course hours effective 14 October 2015

l. DA Form 1380 dated 14 September 2020 shows on 15 September 2017 the applicant completed 8-hours of training for two non-paid retirement points for the:

- Annual Awareness Managing Personnel with Clearances/Access to Classified Information – 1-hour
- HIPPA and Privacy Act Training – 1-hour
- SERE Level A SERE Education Training – 4-hours
- AT Awareness Level 1 Training – 2-hours

The DA Form 1380 was digitally signed on 19 October 2020 by Chief Warrant Officer Two (CW2) J- W-, G1 Human Resources (HR) Technician as the officer who had knowledge of the duties performed.

m. DA Form 1380 dated 14 September 2020 shows the applicant completed 8-hours of training per day for two non-paid retirement points each day for a total of 22 points for the:

- Army MICP – Assessable Unit Manager Course completed during the period of 9 through 12 and 14 November 2018
- Supervisor Development Course completed during the period of 20 through 21, 23 through 24 and 30 January 2019
- AT Awareness Level 1 Training on 24 September 2019

The DA Form 1380 was digitally signed on 19 October 2020 by CW2 J- W-, G1 HR Technician as the officer who had knowledge of the duties performed.

n. HQs, 4th ESC Memorandum, Subject: Letter of Lateness for COL R- C- (the applicant), EBDL Retirement Points Request stated the applicant requested retirement points for the completion of EBDL course in FY17 and FY19. He was unaware he was

authorized compensation upon completion of the courses. Due to the expenditure of funds in those FYs, he requested non-paid retirement points.

o. DA Form 5016 dated 12 October 2023 shows the applicant was awarded retirement points in RYE:

- 6 May 2018 – 108 inactive duty training points, 15 membership points, and 54 active duty training points for a total of 177 creditable points
- 6 May 2019 – 130 inactive duty training points, 15 membership points, and 37 active duty training points for a total of 167 creditable points
- 6 May 2020 – 30 inactive duty training points, 15 membership points, and 242 active duty training points for a total of 287 creditable points

5. 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. The advisory official stated upon review of his documents, it was determined he should be awarded 12 retirement points. For EBDL courses, every 8-hours of course work is equal to one retirement point. The Applicant's unit did not process his DA Forms 1380 in a timely manner. A favorable decision would allow the Readiness Division to update his DA Form 5016.

6. 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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant requests additional non-paid retirement points contending that his unit did not process his DA Forms 1380 in a timely manner. The Board reviewed and agreed with the advisory official's determination that the applicant should be awarded 12 retirement points. For EBDL courses, every 8-hours of course work is equal to one retirement point.

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 awarding the applicant 12 qualifying retirement points, based on the applicant's submission for retirement points only, and provided all other criteria is met.

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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) 140-1 (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.

3. 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 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.

4. 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.

5. 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//