

# ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

## RECORD OF PROCEEDINGS

IN THE CASE OF: Denharder, Gideon P.

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240002154

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded retirement points for Electronic Based Distance Learning (EBDL) for attendance at Intermediate Level Education (ILE) for Retirement Year Ending (RYE) 27 August 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Memorandum, Subject: Exception to Policy to Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records)

### FACTS:

1. The applicant states he completed distance learning ILE. No funds were available for pay via EBDL, but he would like to receive retirement points.

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

a. On 15 May 2009, the applicant executed an oath of office and was subsequently appointed as a commissioned officer in the Regular Army on 25 May 2009.

b. On 31 May 2019, he was honorably released from active duty and transferred to the United States Army Reserves (USAR) 4th Sustainment Command.

c. DA Form 1059-2 shows the applicant attended ILE Common Core course 23-001 from 10 January 2023 through 24 July 2023.

d. DA Form 5016 dated 26 September 2024, shows for the RYE on 27 August 2023, the applicant earned 41 Inactive Duty Training (IDT) points, 12 membership points, and 21 Active Duty Training (ADT) points, totaling 74 total points creditable.

3. The applicant provides:

a. A completed and endorsed DA Form 1380 dated 9 September 2023, that requests 12 retirement points for 48 hours of EBDL for ILE from 10 February 2023 through 1 July 2023.

b. Memorandum, Subject: ETP to AR 140-185, dated 14 November 2023, approved the applicant's request for an ETP to AR 140-185 to allow units to forward the non-paid DA Forms 1380 to their supporting USAR Readiness Division no later than 6 months from the performance of the duty.

4. On 3 September 2024, in the processing of this case, the United States Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion stating the following:

a. USARC reviewed the applicant's documents and determined he needs to correct his DA Form 1380. Every eight (8) hours of EBDL is equal to one (1) point or N1. If the form is corrected, he would be eligible for six (6) points.

b. No administrative relief granted.

5. On 10 September 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

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 noted the applicant's contention that he completed distance learning ILE and that funds were not available at the time of his submission. The Board also reviewed and concurred with the U.S. Army Reserve Command's advisory official's finding that the applicant's DA Form 1380 needs to be corrected in order to properly account for his hours. The Board determined no administrative relief should be granted.

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.

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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.

REFERENCE:

AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-4 (Criteria for awarding retirement points) states approved 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.

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Form 1380s must be digitally signed with time-date stamp and submitted to Human Resources Command for IMA/IRR and to the Readiness Division (RD) for Troop Program Unit for award of retirement points no later than 90 days from date the duty was performed.

c. Table 3-1 provides that the code "N" will be entered for Re-scheduled training (RST). The code "N" indicates the Soldier is entitled to retirement point credit only.

//NOTHING FOLLOWS//