

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240003144

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to show he was awarded six retirement points for the for completing Intermediate Level Education (ILE) in the U.S. Army Reserve (USAR) for Retirement Year Ending 13 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance or Reserve Duty Training) dated 20 July 2022

FACTS:

1. The applicant states that despite a dozen attempts to receive points (6) for completing ILE in the USAR, he still has not been awarded those 6 retirement points outlined in the DA Form 1380. He was only offered these six points because he had already used all the Electronic Based Distance Learning (EBDL) pay points possible during the particular fiscal year when he completed ILE. The dates for the retirement points are 25 April 2022, 27 April 2022, 29 April 2022, 17 May 2022, 19 May 2022, and 17 July 2022. Again, he has tried to get the points a dozen times with the pay teams at two different units; and the units explained to him the new Integrated Personnel and Pay System – Army program has caused issues, and he was issued the 6 retirement points to date.

2. A review of the applicant's official records shows the following:

a. On 19 March 2013, the applicant was appointed as a Reserve commissioned officer and executed an oath of office 30 March 2013. He served continuously and remains in the USAR.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in block 12a that the applicant entered active duty this period on 9 October 2013 and was

honorably released from the active duty training on 13 February 2014 for completion of period of required active service.

c. DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report) endorsed by the reviewing official on 5 August 2022, indicates the applicant completed the ILE Common Core Course and in item i (Oral Communication) that he Performed to Standards with an added comment of "Not assessed in the Distance Learning format."

d. DA Form 5016 dated 28 April 2023, shows the applicant earned the following points for RYE 13 November 2022, 35 Inactive Duty Training (IDT) points, 9 membership points, and 3 Active Duty Training (ADT) points, totaling 47 points creditable.

3. The applicant provides DA Form 1380 dated 20 July 2022 showing the applicant completed the following EBDL training and the form was endorsed by Major [REDACTED] as the officer having knowledge of the duties performed. EBDL = 8 hours for 1 retirement point (6 retirement points):

- 25 April 2022 - 8 hours EBDL - ILE Phase III
- 27 April 2022 - 8 hours EBDL - ILE Phase III
- 29 April 2022 - 8 hours EBDL - ILE Phase III
- 17 May 2022 - 8 hours EBDL - ILE Phase III
- 19 May 2022 - 8 hours EBDL - ILE Phase III
- 17 July 2022 - 8 hours EBDL - ILE Phase III

4. On 2 October 2024, in the processing of this case the U.S. Army Reserve Command (USARC), STL, Military Services Office, provided an advisory opinion recommending disapproval, and stated, USARC reviewed the applicant's documents and determined he should not be awarded the requested six retirement points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant was compensated the maximum retirement points for EBDL of 12 Additional Training Assembly's (ATAs) per fiscal year. The applicant was awarded one retirement point for the requested DA Form 1380 for EBDL date of 17 July 2022.

5. On 15 October 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. The applicant responded to the advisory opinion and stated:

a. On 14 November 2024, he responded to the advisory opinion and stated, he received the 15 day letter in November, and he did not have time or chance to research,

review, and draft a response until after he reviewed the advisory opinion from USARC. In the advisory opinion, USARC noted that no administrative relief would be granted because he already received the maximum 12 ATAs allotted per fiscal year for EBDL. They determined that he should therefore not be awarded the requested six retirement points based off of AR 140-185. For the following reasons, he believes that he should be granted the six retirement points (points only) for completing ILE, Phase III.

b. AR 140-185, Table 2-4 sets forth how IDT retirement points can be awarded, he agrees with USARC that a maximum of 12 ATAs are allotted per fiscal year (pursuant to AR 140-1, Chapter 3-14), he does not see any prohibition in either AR 140-185 or AR 140-1 that states that additional duty that would qualify as ATAs cannot be issued to a Soldier as points-only retirement points (without pay) after a maximum of ATAs have already been issued to that Soldier in a fiscal year. For that reason, he believes that his completion of ILE Phase III should at least warrant him the six "non-pay" retirement points, because it is military education he had to complete for promotion eligibility. He does not think the Army intended for the 12 ATAs per fiscal year cap to impede Soldiers from obtaining retirement points for the full ILE completion.

c. The only reason that he had to complete ILE Phases II and III within the same fiscal year is because, at the time he enrolled in ILE, there was a strict 18-month deadline to complete all three phases and since that time, the ILE program has expanded the length of time to complete all three phases from 18 months to up to three years. Under this new regime, Soldiers can space out each phase completion and receive ATAs for the entirety of ILE, spanning numerous fiscal years, whereas he was constricted to only two fiscal years to complete all three phases.

d. Further, AR 140-185, Chapter 3-4(c) states that "Commanders may direct Soldiers to enroll in and complete EBDL courses that are eligible for Reserve compensation. Commanders will provide this direction in writing, citing the availability of funds or, upon depletion of funds, completion in a points only status in advance of a Soldier's enrollment." While a depletion of funds is not the case in his situation, the 12 ATAs maximum cap per fiscal year is the reason he could not receive full pay or retirement points for ILE Phases II and III in the same fiscal year. The chapter cited above indicates that "points only" are contemplated when ATAs cannot be awarded for the full EBDL completion, albeit in a scenario regarding depletion of funds. Nevertheless, this shows an Army Regulation does permit points only retirement points in a situation involving EBDL.

e. ATAs that are earned beyond the 12 ATA per fiscal year cap are not expressly prohibited to be recognized with points only retirement points in either regulation. Because he was under the old regime of completing ILE (all three phases) in two fiscal years (18 month deadline), he believes it is unfair he cannot be awarded the six non-pay points only retirement points, whereas new enrollees in ILE now have three

years to complete the program, and can therefore space out there completion of each phase across three fiscal years and receive full pay (ATAs) for all three phases and retirement points. He will miss out on the ATA pay for the six points which new enrollees will receive, and he is only seeking the retirement points for my Phase III completion.

f. He respectfully request that given this inequity, he be awarded the six "points only" retirement points for the dates requested, which cover his completion of ILE Phase III. He hopes that he is not punished for proactively completing ILE faster than his peers (who are now enrolling and going to benefit under a longer time-window to complete ILE) than he was afforded in 2022. He worked extremely hard to complete ILE ahead of time, and he hope that he can receive these retirement points, whereas his peers now will be getting not only retirement points for the full completion, but also full pay through ATAs for all three ILE Phases. He has been relentlessly pursuing these six retirement points through numerous unit contacts, Unit Administrators, and administrative staff, because the principal of receiving these points for the hard work he put into ILE Phase III means a lot to him.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available evidence showing the applicant already received the maximum points permissible for EBDL, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's retirement points.

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.

3/17/2025

X

CHAIRPERSON

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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes the types of training and activities or which retirement points are authorized and the procedures for recording retirement point credits and training for members of the USAR Soldiers.

a. 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 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.

b. 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.

- 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
- Eight-hour rule; 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

c. Table 2-3 (Award of inactive duty training retirement points) states under rule 5; performs EBDL utilizing ATAs – authorize points under the 4-hour/8-hour rule.

d. Paragraph 2-4 (Criteria for awarding retirement points) states Soldier may not perform more than 12 ATAs per fiscal year.

2. 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 IDT periods or ET, 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.

3. DoDI 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 EBDL 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//