

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 November 2024

DOCKET NUMBER: AR20240003153

APPLICANT REQUESTS: to be awarded retirement points for his completion of the Advanced Operations Course (AOC).

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

- DD Form 149 (Application for Correction of Military Record)
- Nine (9) DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 5016 (Chronological Statement of Retirement Points)
- DA Form 1059-2 (Senior Service and Command and General Staff College Evaluation Report)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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, in effect, he is at 29 years and preparing for retirement in 6 months. During a records review, he identified missing retirement points. Specifically, he is a graduate of the AOC and earned the Electronic-Based Distance Learning (EBDL) points; however, they were not present in his military record. His statement of retirement only reflects 89 points for 28 May 2018 thru 27 May 2019 and 132 points for 28 May 2019 thru 27 May 2020. These points do not reflect the 192 hours (and their associated points) for completion of the Professional Military Education (PME). He attended AOC from 22 January 2019 thru 21 January 2020.
3. The applicant provides:
  - a. Nine (9) DA Forms 1380, all of which are dated 14 February 2024, reflect the following:

- from 2 March 2020 thru 3 April 2020, accumulated 8 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations: Phase M400
- from 2 December 2019 thru 13 December 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations; Phase M400
- from 1 November 2019 to 12 November 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations; Phase M400
- from 1 October 2019 to 12 October 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations; Phase M400
- from 15 March 2019 to 26 March 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations: Phase M400
- from 15 February 2019 thru 26 February 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations; Phase M400
- from 15 January 2019 thru 26 January 2019, accumulated 48 hours, N1 retirement points, for duty in Round Rock, Texas, Intermediate Level Education – Advanced Operations; Phase M400

b. DA Form 5016, dated 14 February 2024, reflects the applicant's active-duty points as 3012, with 21 years and 2 days qualifying for retirement.

c. DA Form 1059-2 reflects the applicant was enrolled in and successfully completed the Interim Level Education – Advanced Operations at the Command and General Staff College, Fort Leavenworth. The duration of the course was from 22 January 2019 thru 21 January 2020.

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

a. On 6 December 2001, he took the Oath of Office as a captain (CPT), Reserve Commissioned Officer.

b. Department of the Army orders 000839725.00, dated 5 June 2024, reflects the applicant was moved to the U.S. Army Reserve Retired Reserve, effective 31 July 2024.

c. DA Form 5016, dated 2 August 2024, reflects the applicant's active-duty points as 3043, with 22 years qualifying for retirement.

5. Headquarters, U.S. Army Reserve Command memorandum, dated 24 May 2024, states, "full administrative relief granted."

6. The applicant was notified of the ex-parte correspondence received from the U.S. Army Criminal Investigation Command. He was afforded the opportunity to submit comments on the correspondence; however, as of the date of this writing, none have been received.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 Headquarters, U.S. Army Reserve Command advisory opinion, the Board concurred with the advising official recommendation for full relief finding the applicant completed the course and should receive points.

2. The Board determined there is sufficient evidence to support the applicant request to be awarded retirement points for his completion of the Advanced Operations Course (AOC). Evidence in the record shows a DA Form 1059-2 which reflects the applicant was enrolled in and successfully completed the Interim Level Education – Advanced Operations at the Command and General Staff College, Fort Leavenworth. The duration of the course was from 22 January 2019 thru 21 January 2020. Based on this, the Board granted relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 to show the applicant is awarded retirement points for his completion of the Advanced Operations Course (AOC).

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, U.S. Code, 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. DOD Instruction 1215.07, Service Credit for Non-Regular Retirement states in paragraph 3-1(a), Qualifying Years of Satisfactory Service. Pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full year, as described in Paragraphs 3.1.b. and 3.1.c., during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for nonregular retired pay. Retirement point credit depends on the activity performed and include (but not limited to).
  - a. Active Service. Credit active service at the rate of one retirement point per day of active service in the uniformed services as defined in Section 101 of Title 10, U.S.C.
  - b. Inactive Duty Service. Credit inactive duty service as follows: One retirement point for each attendance at an inactive duty training (IDT) period or period of equivalent instruction; One retirement point for each attendance at a period of equivalent training in

accordance with Paragraph 2.a.(1) of DoDI 1215.06; and a maximum of two retirement points for attendance at IDT periods, or equivalent training, in any 1 calendar day.

c. Several other situations or activities also qualify for retirement points.

//NOTHING FOLLOWS//