

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240003331

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to add 7 retirement points for Retirement Year Ending (RYE) 26 June 2020.

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 of Reserve Duty Training)
- Certificate of Continuing Medical Education

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 originally submitted the DA Form 1380 to be processed for training directly related to his Area of Concentration (AOC) 62A (Emergency Room Physician) for the months of October-December 2019. This was correctly submitted but was lost in processing. This mistake was found during a record review for retirement while he was deployed in October 2023. After this mistake was found his commander and unit signed all needed documents and resubmitted the paperwork for correction in October 2023. Because it has been longer than three years it was returned, and they were told they needed to submit this to the Board for correction. All of the signed documents are included with this request. This training was correctly done and supported by the unit commander with the signed paperwork. The training was directly related to his AOC as an emergency room physician and directly helped the Army given his multiple deployments and saving many Soldiers lives. He has included the signed documents with this request.

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

a. On 14 June 2005, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. DA Form 5016 dated 27 September 2024 shows the applicant earned for the RYE 26 June 2020 0 active duty training points, 15 membership points, and 30 active duty training points, totaling 45 points creditable.

4. The applicant provides:

a. DA Form 1380 showing the applicant attended continuing education level I American Medical Association training on the following dates for one point each day, totaling 3.5 retirement points (1 point for every 8 hours of distance learning). Item 9b (Hours) shows "4" and item 9c (Retirement Points) shows "P1":

- 31 October 2019
- 2 November 2019
- 3 November 2019
- 10 November 2019
- 1 December 2019
- 5 December 2019
- 6 December 2019

The form was endorsed y Captain J- S- on 24 October 2023 as the officer having knowledge of the training.

b. Certificate of Continuing Medical Education showing the continuing education the applicant attended.

5. On 12 August 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, STL, Military Services Office, provided an advisory opinion and stated, the documents were reviewed in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) and the applicant should not be awarded any points. Electronic Distance Based Learning (EBDL) is awarded one point for every eight hours of course work. The DA Form 1380 will need to be redone with the correct hours in block 9b and 9c.

6. On 14 August 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 reviewed and agreed with the USARC advisory officials' determination that the applicant should not be awarded any points. Electronic Distance Based Learning

(EBDL) is awarded one point for every eight hours of course work. The DA Form 1380 are not completed to standards and will need to be redone with the correct hours. The applicant was provided an opportunity to correct the error and respond to the USAR advisory opinion, but he failed to do so. Therefore, the Board determined relief is not warranted.

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.

REFERENCES:

1. Title 10, US, 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve 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.

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

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. 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.

3. Department of Defense Instructions 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.

4. Army Reserve Retirement Points Information Guide, paragraph 3-2 (EBDL) 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. Points may not be awarded for more than one type of training per any single calendar day.

//NOTHING FOLLOWS//