

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2025

DOCKET NUMBER: AR20240004659

APPLICANT REQUESTS: correction of his records to show he was awarded extension course and retirement points for completion of –

- Combined Arms and Services Staff School (CAS3) Phase 1 in 1992
- Command and General Staff Officers Course (CGSOC) Phases 1 and 3 from 1999 through 2002

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army CGSC CAS3 Phase 1 certificate of course completion, 13 January 1992
- CGSC Academic Transcript - Quantitative Decision Making, 12 May 1992
- CGSC CAS3 certificate of course completion, 12 May 1992
- CGSC Academic Transcript - Phase 1 and 2 of Staff Process Course, 12 May 1992
- Academic Transcript - Non-Resident CGSOC, 5 November 1999 - 9 September 2002
- ARPC Form 249-E (Chronological Statement of Retirement Points), 19 August 2011

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 needs to have his retirement points corrected. He is missing extension course points from his CAS3 Phase 1 (in 1992), and his CGSOC Phases 1 and 3 (from 1999 through 2002). The data was never entered into the system. He is not certain if this should have been done by his Army units or the Army schools. Note: The date entered on the form on this page is for the first of the two missing schools' correspondence course phases. The second one was for Phases 1 and 3; per the

academic transcript, he started the first phase on 5 November 1999 and finished phase four on 9 September 2002. He discovered all of this missing as he was applying for his retirement pay.

3. A review of the applicant's service records show:

a. Having prior Reserve Officers' Training Corps Cadet service, DA Form 71 (Oath of Office – Military Personnel) shows he was appointed as a Reserve commissioned officer on 10 June 1983.

b. On 31 August 1983, he entered active duty.

c. On 31 May 1994, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was released from active duty and was transferred to his U.S. Army Reserve unit in Philadelphia, PA.

d. On 9 September 2002, the applicant achieved course standards and completed the Command and General Staff Officer Course. DA Form 1059 (Service School Academic Evaluation Report) shows the duration of the course was from 5 November 1999 through 9 September 2002.

e. On 25 February 2011, Headquarters, 88th Regional Support Command published Orders Number 11-056-00024, which assigned the applicant to the Retired Reserve, effective 1 March 2011.

f. On 13 December 2023, the U.S. Army Human Resources Command (AHRC) published Orders Number C12-396478, which placed the applicant on the Army of the United States retired list, effective 22 November 2021.

g. His record contains DA Form 5016 (Chronological Statement of Retirement Points) dated 10 January 2025, which shows his total career retirement points earned as: 522 Inactive Duty Training (IDT), 204 Extension Course, 416 Membership, 4502 Active Duty Training (ADT), 26 years, 8 months, and 22 days Qualifying for Retirement, and 5396 Total Points Creditable. In pertinent part, the form also shows for the completed anniversary years listed below, he earned the following retirement points:

- 10 June 1991 to 9 June 1992 – 15 Membership, 366 ADT, 1 year Qualifying for Retirement, and 366 Total Points Creditable
- 10 June 2002 to 9 June 2003 – 154 Extension Course, 15 Membership, 27 ADT, 1 year Qualifying for Retirement, and 117 Total Points Creditable

4. In support of his request the applicant provides:

a. CGSC CAS3 Phase 1 certificate of course completion dated 13 January 1992, which shows he completed the course.

b. CGSC Academic Transcript - Quantitative Decision-Making Course, dated 12 May 1992, which shows he completed 45 scheduled hours and was awarded 3 semester hours credit.

c. CGSC CAS3 certificate of course completion dated 12 May 1992, which shows he completed the course.

d. CGSC Academic Transcript - Phase 1 and 2 of the Staff Process Course, dated 12 May 1992, which shows he completed 45 scheduled hours and was awarded 3 credit hours.

e. Academic Transcript - Non-Resident CGSOC, from 5 November 1999 through 9 September 2002, which shows he was awarded a diploma and completed the course. The total recommended graduate credit hours earned shows 10.4, and the form lists course numbers, course titles, academic hours, semester hours, and grade percentage.

f. ARPC Form 249-E dated 19 August 2011, which shows in pertinent part, a total of 25 years, 8 months, and 22 days Qualifying for Retirement. It also shows for the retirement year ending/completed anniversary year 10 June 2002 to 9 June 2003, he earned a total of:

- 15 Membership
- 27 ADT
- 42 Total Points Creditable

4. On 3 December 2024, the AHRC, Chief, Personnel Services Division provided an advisory opinion for this case and stated:

a. The Gray Area Retirement Branch has reviewed the applicant's military records. On 2 December 2024, AHRC updated his DA Form 5016 to include the academic hours earned from 5 November 1999 through 9 September 2002. These hours were awarded in the Retirement Year Ending (RYE) on 9 June 2003, allowing the applicant to qualify for an additional year.

b. Regarding the academic transcript from 12 May 1992, we did not add these 45 hours because the applicant has already accumulated 366 points for that year, which is the maximum allowable for retirement points in this RYE. We have enclosed his updated DA Form 5016 for his review and record-keeping. Additionally, we have sent Defense Finance and Accounting Service the updated copy to adjust the applicant's retired pay account.

5. On 10 December 2024, the applicant was provided with a copy of the AHRC advisory opinion to allow for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted.

2. The Board carefully considered the applicant's contentions, and his military record, and executed a comprehensive review based on law, policy, and regulation. The Board considered the advisory opinion noting that the HRC Gray Retirement Branch updated the applicant's DA Form 5016 to include the academic hours earned from 5 November 1999 through 9 September 2002. The Board found that these hours were awarded in the Retirement Year Ending (RYE) on 9 June 2003, allowing the applicant to qualify for an additional creditable year. The Board concurs with the advising official's recommendation to not add the requested additional 45 hours because the applicant has already accumulated 366 points for that year, which is the maximum allowable for retirement points in the applicable RYE. Based on a preponderance of evidence, the Board determined that partial relief was warranted.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be show 54 qualifying points for the retirement year ending 9 June 2003 as shown on the revised DA Form 5016

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of

the application that pertains to granting the applicant additional membership points for the year ending 9 June 1992.

[REDACTED]

[REDACTED]

[REDACTED]

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 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) prescribes Army policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 1-8 (Service requirement for a satisfactory year of service for nonregular retirement) states, a qualifying year of service for nonregular retired pay is a full anniversary year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for nonregular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, the limitations on the number of points that may be credited to a Soldier during an anniversary year are:

- A maximum of 365 (366 during leap year) points
- No more than one retirement point may be awarded for any day in which the Soldier is on active duty
- A Soldier in active service may not receive retirement points for other activities performed concurrently
- Retirement points credited for activities other than active service or funeral honors duty may not exceed:

- For any anniversary years closing before 23 September 1996: 60 retirement points
- For anniversary years closing on or after 23 September 1996 but before 30 October 2000: 75 retirement points
- For anniversary years closing on or after 30 October 2000 but before 30 October 2007: 90 retirement points
- For anniversary years closing on or after 30 October 2007: 130 retirement points

//NOTHING FOLLOWS//