

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240007329

APPLICANT REQUESTS: correction of his record to show he earned 40 retirement points for completing 327 hours of Electronic Based Distributed Learning (EBDL).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: FY18 Electronic Based Distributed Learning (EBDL) Policy and Guidance dated 22 November 2017
- United States Army Reserve Command (USARC) approved EBDL list dated 12 September 2019 (17 pages)
- DA Form 1059 (Senior Service and Command & General Staff College Academic Evaluation Report) dated 6 October 2020

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 Reserve Component Soldiers can apply for EBDL and earn 40 retirement points and pay. The Advanced Operations Course (AOC) is calculated at 327 hours, and one point is earned per eight hours. This benefit became effective on 19 November 2012 and revalidated on 21 September 2017. He submitted the documentation through the Texas Army National Guard (TXARNG) while he was a Troop Program Unit (TPU) member, and the request was never processed. He is only requesting that the points be added to his retirement calculation.
3. A review of the applicant's official record shows the following:
 - a. He enlisted into the Utah Army National Guard (UTARNG) 30 September 1992.
 - b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in block 12a he entered active duty this period on 1 August 1993 and was honorably

released from active duty training on 7 March 1994 for completion of required active service.

c. He enlisted into the United States Army Reserve (USAR) on 30 September 1994 as a cadet in the Reserve Officer Training Course.

d. NGB Form 22 (Report of Separation and Record of Service) shows the applicant entered service this period on 30 September 1992 and was honorably released from the New Mexico Army National Guard (NMARNG) on 9 May 1996, for appointment as a commissioned or warrant officer.

e. On 10 May 1996, the applicant was appointed as a Reserve commissioned officer in the rank of second lieutenant (2LT) and executed an oath of office.

f. Orders Number 094-072 dated 11 June 1996, issued by Headquarters UTARNG and ordered by the Governor he was appointed in the Army National Guard effective 6 June 1996.

g. DD Form 214 shows in block 12a he entered active duty this period on 27 October 1996 and was honorably released from active duty training on 8 March 1997 for completion of required active service.

h. NGB Form 22 shows the applicant entered service this period on 6 June 1996 and was honorably released from the UTARNG on 1 March 2000, for resignation and was reassigned to USAR Control Group (Reinforcement).

i. Orders Number 0013-16 dated 13 January 2004, issued by Headquarters Military Department, State of Washington appointed him in the rank of captain (CPT) in the Army National Guard and assigned him the Washington Army National Guard (WAARNG).

j. Retirement Points Accounting System dated 10 June 2004 summarizes his retirement points for his retirement year ending (RYE) date of 9 January 2004.

k. NGB Forms 23B (Army National Guard Retirement Points History Statement) prepared 2 December 2004 and 12 January 2005 show the applicant had a grand total of 528 active duty points and 1115 points for retirement pay and 8 years creditable service for retirement pay.

l. DD Form 214 shows in block 12a he entered active duty this period on 29 October 2005 and was honorably released from active duty on 31 January 2007 for completion of required active service.

m. NGB Form 23B, prepared 15 October 2008 shows the applicant had a grand total of 1033 active duty points and 1776 points for retirement pay and 13 years creditable service for retirement pay.

n. DD Form 214 shows in block 12a he entered active duty this period on 15 March 2009 and was honorably released from active duty on 12 April 2010 for completion of required active service.

o. NGB Form 22 shows the applicant entered service this period on 9 January 2004 and was honorably released from the WAARNG on 30 September 2013, for becoming a member of USAR.

p. NGB Form 23A (Army National Guard Retirement Points Annual Statement) prepared 30 September 2021 shows the applicant earned the following points for RYE 29 September 2021; 43 inactive duty, 15 membership points, and 48 active duty points, totaling 106 points creditable, one year qualifying for retirement.

q. DA Form 1059 (Senior Service and Command & General Staff College Academic Evaluation Report) dated 6 October 2020 and completion certificate indicates the applicant graduated the Interim Level Education – Advanced Operations and the duration of the course was from 23 September 2019 through 22 September 2020.

r. NGB Form 23A prepared 30 September 2022 shows the applicant earned the following points for RYE 29 September 2022; 48 inactive duty, 15 membership points, and 23 active duty points, totaling 86 points creditable, one year qualifying for retirement.

s. NGB Form 22 shows the applicant entered service this period on 10 June 2019 and was honorably released from the TXARNG on 16 June 2023, for resignation. It also shows in block 12 (Military Education) Interim Level Education – Advanced Operations 2020.

t. NGB Form 23A prepared 9 July 2023 shows the applicant earned the following points for RYE 23 June 2023; 36 inactive duty, 11 membership points, and 9 active duty points, totaling 56 points creditable, 8 months and 17 days qualifying for retirement.

u. NGB Form 23B, prepared 2 July 2024 shows the applicant had a grand total of 1692 active duty points and 3005 points for retirement pay and 22 years 8 months and 17 days creditable service for retirement pay.

v. The applicant's records are void of a DA Form 5016 (Chronological Statement of Retirement Points) and DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for completion of the EBDL Advanced Operations Course (AOC).

w. The applicant remains in a USAR TPU status.

4. The applicant provides:

a. Memorandum, Subject: FY18 Electronic Based Distributed Learning (EBDL) Policy and Guidance dated 22 November 2017 provides detail description on how the Soldiers and Command may use EBDL for reserve training.

b. United States Army Reserve Command (USARC) approved EBDL list dated 12 September 2019, 17-page compilation of the courses that are in the EBDL category.

5. On 3 February 2025, in the processing of this case, Headquarters, United States Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion stating the following:

a. USARC reviewed the applicant's documents and determined he should not be awarded points in accordance with AR 140-185. The applicant did not provide DA Forms 1380 for the period of the course.

b. A DA Form 1380 is needed for each month and signed by an officer with knowledge of duties performed. Block 9.b. should have an eight and block 9.c. should have an N-1.

c. No administrative relief granted.

6. On 4 February 2025, 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 concurred with the U.S. Army Reserve Command's advising official finding the applicant did not provide completed DA Forms 1380 for the period of the course. 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
:XX	:XX	:XX	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.


X //SIGNED//

CHAIRPERSON

Signed by: _____

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

a. Paragraph 2-2 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, 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 states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. Table 2-3 Rule Number 2 states "Attends BA, RST, in a nonpay status, award points under the 4-hour/8-hour rule." 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.

//NOTHING FOLLOWS//