

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240007439

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect retirement points for the completion of the U.S. Army War College (USAWC) Distance Education Program (DEP) for the Retirement Year Ending (RYE) 22 March 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Record of Course Hours for the USAWC DEP Class of 2015 and Later dated 4 May 2017
- DA Form 1059 (Service School Academic Evaluation Report), 27 July 2018, shows he was enrolled in the USAWC from 1 May 2016 through 27 July 2018
- United States Army War College Transcript, 27 July 2018, indicates he was awarded 36 credit hours and graduated with a Master of Strategic Studies degree on 27 July 2018 from USAWC
- Memorandum, Subject: United States Army Reserve Electronic Based Distance Learning (EBDL) Policy, 1 December 2022
- United States Army Reserve EBDL List dated 14 March 2023 shows the approved EBDL course list and effective dates for compensation
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 19 March 2024, is not endorsed by a person with knowledge of his completed duties and shows he completed 750 hours of training at the USAWC DEP on 27 July 2018 for 93 points only

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 requests to be awarded retirement points for completion of the DEP portion of USAWC
- Memorandum dated 4 May 2017 provides guidance for eligible classes in which retirement points can be awarded
- He was not awarded retirement points for completion of the USAWC
- He was told by the readiness division to process the request for retirement points with the Army Review Boards Agency because it had been more than a year since he completed the training

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

- On 23 March 2001, he was appointed as a Reserve commissioned officer in the rank/grade of first lieutenant (1LT)/O-2 and executed an oath of office
- DA Form 1059 dated 27 July 2018 shows he was enrolled in the USAWC from 1 May 2016 through 27 July 2018
- DA Form 5016 dated 21 April 2024, shows the applicant earned the following points creditable for RYE:
 - 22 March 2016, 43 Inactive Duty Training (IDT) points, 15 membership points, and 110 Active Duty Training (ADT) points, totaling 168 creditable points
 - 22 March 2017 0 IDT points, 15 membership points, and 365 ADT points, totaling 365 creditable points
 - 22 March 2018, 29 IDT points, 15 membership points, and 148 ADT points, totaling 192 creditable points
 - 22 March 2019, 48 IDT points, 15 membership points, and 20 ADT points, totaling 83 creditable points
- He remains in the U.S. Army Reserve

4. On 12 March 2025 in the processing of this case the U.S. Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion which stated USARC reviewed the applicant's documents and determined he should not be awarded any retirement points in accordance with Army Regulation (AR) 140-185 ((Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant's DA Form 1380 was improperly filled out, exceeds the number of authorized points as determined by the maximum of 12 Additional Training Assemblies (ATA) per Fiscal Year, is not signed, and does not show authorization to attend the EBDL course for points only after depletion of unit funds. The applicant completed the EBDL Course in 2018 and references USARC EBDL Policies from 2022 which required additional documentation listed above. At the time of course completion EBDL in a point only status was not authorized. AR 140-185 effective 26 August 2024 now allows for points only EBDL with approval. No administrative relief granted.

5. On 14 March 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 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 documentation, the findings outlined in the USARC advisory opinion, and the lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//

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. 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. 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 ATA
- 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.

d. Paragraph 2-4b(5) (Criteria for awarding retirement points) states, in accordance with the 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 (1) retirement point and be paid for one (1) IDT for every 8 hours of distance learning completed.

e. Paragraph 3-4 (Electronic-Based Distance Learning (EBDL)) states, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107, section 603), authorized compensation to certain members of the Selected Reserve. Pursuant to Title 37, USC, section 206(d), a member of the Selected Reserve of the Ready Reserve may

be paid compensation at a rate and under terms determined by the Secretary of Defense upon the members successful completion of a course of instruction undertaken by the member using EBDL methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. This regulation provides discretionary payments only for members of the Selected Reserve not in active service or on active duty who are directed by their commanders to complete training requirements related to unit readiness or mobilization, by means of EBDL

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//