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ARNG-HRH

23 DEC 2010

MEMORANDUM FOR The MILPO, HRO, MRO, USP&FO, and J-1

SUBJECT: Army Board for Correction of Military Records (ABCMR) Claims for Post Deployment/Mobilization Respite Absence (PDMRA) Benefits (ARNG –HRH Policy Memorandum #10-081)

1. References:

a. Under Secretary of Defense Memorandum, Department Implementing instructions Section 604, Benefits under the PDMRA Program for certain periods before Implementation of Program, of the National Defense Authorization Act for Fiscal Year 2010(FY10NDAA), February 1, 2010.

b. Under Secretary of Defense Memorandum, Subject: Unused PDMRA for Reserve and National Guard Personnel, January 14, 2009.

c. Army Regulation 15-185, ARMY BOARD FOR CORRECTION OF MILITARY RECORDS UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552, MARCH 31, 2006.

d. Memorandum, Headquarters, Department of the Army, DAMP-MPE, Subject: Army Policy Guidance for Cash reimbursement for Unused PDMRA for Reserve and National Guard Personnel During the Period January 19, 2007 – August 18, 2007, February 12, 2010.

e. Memorandum, Army National Guard Personnel Policy #10-013/#10-014, subject ARNG Implementing Policy Guidance/Supplemental Guidance for Unused PDMRA Cash Payment Program. February 17, 2010.

f. HQDA Personnel Policy Guidance (PPG), Chapter 8, paragraph 8e, PDMRA: http://www.armyg1.army.mil/MILITARYPERSONNEL/PPG.ASP.

2. The ARNG published implementing guidance for disposition of Shadow Area PDMRA claims on 17 February 2010. The Shadow Area population was defined as those deployed Soldiers on active duty which commenced on or after 19 January 2007 and ended (or were returned to the mobilization stations) before 18 August 2007. The initial established baseline eligible population was extracted from historical mobilization data and consisted of slightly more than 14,000 Soldiers at that time.

3. PDMRA is a benefit that must be used prior to a member being demobilized and released from active duty (REFRAD). Under normal circumstances it is not authorized

to be carried over, used, or paid for after REFRAD. The special statutory authority to compensate members in the shadow area expired on 28 October 2010, and likewise the special streamlined processing procedures established between the NGB and the ABCMR will expire for applications received by the ABCMR on or after 1 January 2011, upon publication of this memorandum. All actions received after 1 January 2011 will be returned unless they meet the standards in paragraph 4 below.

4. Future PDMRA applications will be processed by the ABCMR under standard regulatory guidance contained in Army Regulation 15-185, which will shift the burden of proving an error or injustice by a preponderance of evidence to the applicant. For example, to support an ABCMR claim a member must prove he/she requested and was unjustly denied authorized PDMRA days after exhausting all administrative remedies available through NGB and HRC prior to REFRAD. A simple statement from the applicant indicating he/she was denied authorized PDMRA days or the absence of a reference to PDMRA days on the DD Form 214 alone likely will not suffice to support the claim. Under normal ABCMR procedures, PDMRA applications received by the ABCMR will be referred to the NGB for advisory opinions and PDMRA calculator sheets.

5. It has been brought to our attention recently that a number of claims have been submitted to ABCMR in which the claimant is not due any payment. Examples of such include cases where the applicant has already received all PDMRA days due; where the applicant is due some days but requests ABCMR to grant more days than entitled; where the Soldier has already received compensation by cash payout pursuant to the law and policy referenced above; or where the Soldier simply does not qualify for the PDMRA benefit

6. We recognize that Soldiers have a right to directly appeal these and any claims to ABCMR and that we cannot require them to submit their PDMRA claims through their State en route to ABCMR. Nonetheless, in an effort to avoid undue administrative burdens being place on an already overwhelmed system at ARBA, we strongly urge you encourage your Soldiers to seek your assistance in preparing such claims, and to properly counsel Soldiers pertaining to their individual PDMRA benefit eligibility, as well as to carefully review any possible PDMRA claims to ascertain the true extent of compensation due to the Soldier, if any, and where appropriate, to seek our assistance in determining final eligibility before any claims are filed. We stand ready to assist you in any way.

7. As a minimum, the following should be considered:

a. Whether the Soldier is/was Active Guard Reserve (AGR) (this affects calculations with regard to "look back" for creditable time).

b. Whether the Soldier is/was a Military Technician (MILTECH) (this affects eligibility for cash payments of AIP in lieu of PDRMA days and must be ruled out).

c. Whether Soldier received payment under the Unused PDMRA Cash Payment Program (this is final pay for Unused PDRMA).

d. Determine correct calculations and total benefit due from Shadow Area or previous re-deployment (this may show the Soldier got less/more than they were due and could result in a proper claim)

8. There is no statutory or regulatory authority supporting ABCMR relief or additional compensation to members who have either used any portion of their PDMRA days or who have been compensated for PDMRA through some provision of law or through the special streamlined process.

9. My point of contact for this report is Mr. Ray Holdeman, Chief, Active Duty and Mobilization Policy Branch, Personnel Policy Division at DSN 327-5851, 703-607-5851, or raymond.holdeman@ng.army.mil.

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