

IN THE CASE OF [REDACTED]

BOARD DATE: 8 July 2022

DOCKET NUMBER: AR20210014304

APPLICANT REQUESTS: correction of her retirement points to reflect the inclusion of service performed between 19 June 2004 and 20 July 2004 (32 days).

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Substitution of Reserve Officers' Training Corps (ROTC) Warrior Forge Training for Army National Guard (ARNG) Annual Training (AT), dated 5 February 2004
- Certificate of Training, dated 20 July 2004
- ROTC CDT CMD Form 67-9 (Cadet Evaluation Report), dated 20 July 2004
- ROTC CDT CMD Form 67-9-1-R (ROTC Cadet Accession Management Sheet), dated 14 September 2004

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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 in pertinent part that she commissioned from the ROTC program and attended ROTC Advanced Camp at Fort Lewis, WA. She notes that during a recent audit, the U.S. Army Human Resources Command (HRC) identified that she was eligible to receive retirement points/service credit for her attendance and completion of Advanced Camp because she was participating in the Simultaneous Membership Program (SMP) and attended the course in lieu of AT. She contests that without these points, she fails to have enough points to be credited with a "good year" during this period despite serving accordingly.
3. A review of the applicant's available service records reflects the following:
 - a. On 10 May 2002, the applicant enlisted in the ARNG for 8 years.

b. On or about 20 August 2003, the applicant contracted to participate in the Sam Houston State University ROTC program.

c. On 17 September 2003, the applicant elected to participate in the SMP. As a member of the USAR Control Group (Annual Training) the applicant was required to serve a period of Active Duty Training (ADT) of 3 to 6 months. National Guard Bureau Form 594-1 (SMP Program Agreement ARNG) provides that when commissioned, the applicant may not apply credits which stem from enlisted service performed concurrently with Advanced ROTC Course training towards computation of length of service for any purpose.

d. On 5 August 2005, the applicant was appointed a Reserve Commission.

e. On 28 March 2006, the ARNG issued Special Orders Number 83 AR announcing Federal recognition of the applicant's transfer from the USAR to the ARNG, effective 7 October 2005.

f. On 21 January 2015, the ARNG issued Orders Number 021-079 retroactively separating the applicant from the ARNG and transferring her into the USAR, effective 10 October 2014.

g. On 22 January 2015, the ARNG issued Special Orders Number 18 retroactively announcing the withdrawal of the applicant's Federal recognition and subsequent transfer to the USAR, effective 10 October 2014.

4. The applicant provides the following a:

a. Memorandum – Subject: Substitution of ROTC Warrior Forge Training for ARNG AT, dated 5 February 2004, reflective of the applicant's request to substitute the 32 days ROTC Warrior Forge Training for ARNG AT.

b. Certificate of Training, dated 20 July 2004, reflective of the applicant's completion of the Leader Development and Assessment Course (LDAC).

c. ROTC CDT CMD Form 67-9, dated 20 July 2004, reflective of the applicant's performance as evaluated by members of her immediate leadership during her participation and completion of LDAC.

d. ROTC CDT CMD Form 67-9-1-R, dated 14 September 2004, reflective of preliminary administrative information associated with the applicant's Officer Master File.

5. A review of the applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points) reflects that during the Retirement Year Ending on 9 May 2005 (covering the period of 10 May 2004 – 9 May 2005) the applicant received a total of 46 points (31-Inactive Duty (IDT) points and 15-Membership points). A detailed points review does not reflect that the applicant was awarded service credit for duty performed between 19 June 2004 and 20 July 2004.

6. On 5 May 2022, Headquarters, U.S. Army Reserve Command, Retirement Services Officer, provided an advisory opinion recommending approval of the applicant's request citing that her supporting documents are sufficient to justify awarding her all missing retirement points for the 19 June 2004 – 20 July 2004 period.

7. On 23 May 2022, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. She 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 warranted. The applicant's contentions, the military record, an advisory opinion, and regulatory guidance were carefully considered. Based upon a preponderance of the evidence, the Board agreed with the advising official's findings and recommendation to amend the applicant's service credit.

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:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing service credit for the period 19 June 2004 – 20 July 2004 were recorded by the appropriate USAR Readiness Division by generating appropriate NGB 23 annotating the service period completed.

11/30/2022

X [REDACTED]

CHAIRPERSON

[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. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) Paragraph 1-6 (Eligibility) provides that Retirement point credit is authorized for ROTC/SMP cadets. Chapter 2, Paragraph 2-14 (Criteria for Awarding Retirement Points) provides that personnel on active duty, Active Duty Training (ADT), Inactive Duty Training (IADT), involuntary ADT, or Annual Training (AT) are awarded one point for each calendar day they serve in one of these categories and may not be awarded additional points for other activities while in such status. A maximum of two retirement points may be credited for attendance at unit Battle Assemblies (BA) or IDT in any 1 calendar day.

a. Paragraph 1-6 (Eligibility) provides that retirement point credit is not authorized for members of the Reserve Component in an inactive status.

b. Paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPU's, ARNG units, or to another service or component for training. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 (U.S. Army Reserve Components Unit Record of Reserve Training) for those units.

c. Nonpaid DA Forms 1380 will not be entered into ADARS and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

d. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed. Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

e. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Non-unit Soldiers, not attached to a unit are prohibited from performing IDT.

2. AR 145-1 (Senior Reserve Officers' Training Corps Program) paragraph 3-17 (Army ROTC/SMP) provides that enlisted members of the ARNG or the USAR who are assigned to Troop Program Units and have been selected to participate in the SMP may enroll in the Advanced course provided they are at least academic sophomores and are otherwise qualified. Enlisted members of the ARNG or the USAR are not eligible to participate in the Advanced course of the SROTC program except as a fully qualified SMP participants. Cadets in the Advanced course who have been selected to participate in the SMP will be assigned to troop units of the ARNG or USAR. Cadets who complete the ROTC course of instruction and are members of the ARNG or USAR and who are later appointed as officers through the ROTC will not be: Credited with Reserve Component service when computing length of service for any purpose for the period while enrolled in the Advanced ROTC course (Title 10, United States Code (USC), section 2106(c)), credited with Reserve Component service in computing entitlements to basic pay for the period while enrolled in either the basic or advanced ROTC course (Title 37, USC, section 205(d)).

//NOTHING FOLLOWS//