

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2023

DOCKET NUMBER: AR20220005164

APPLICANT REQUESTS: correction of retirement points for the retirement year ending on 10 May 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Email communication

FACTS:

1. The applicant states in pertinent part that she performed duty outside of the scheduled Battle Assembly (BA). She contests that the processing of the submitted DA Forms 1380 were delayed and by the time they were submitted her unit had exhausted all of their Readiness Management Assembly (RMA) funding. In addition, her Company Army Reserve Ambassador was unfamiliar with how to process active duty service performed "points only." She was unable to resolve the issue at the unit level, however, she would like her qualifying service adjusted to reflect the addition of the points listed on her submitted DA Forms 1380.

2. A review of the applicant's available service records reflects the following:

a. Following her service on active duty as a commissioned officer, the applicant was appointed a Reserve commission on 3 August 2008.

b. On 18 September 2008, the U.S. Army Human Resources Command (HRC) issued Orders Number C-09-816567 reassigning the applicant to an Individual Mobilization Augmentee (IMA) position.

c. On 16 June 2016, the applicant received her Notification of Eligibility for Retired Pay at Non-Regular Retirement (20 Year letter).

d. On 21 August 2017, HRC issued Orders Number C-08-711051 reassigning the applicant from an IMA position to a Troop Program Unit (TPU), effective 6 September 2017.

3. The applicant provides the following a:

a. DA Form 1380 dated 30 April 2021, reflective of the applicant's performance of duties for "pay" as a commander on the following dates:

- 1 April 2021 = 4 hours (1 point)
- 12 April 2021 = 4 hours (1 point)
- 14-16 April 2021 = 4 hours each day (3 points)
- 19-20 April 2021 = 4 hours each day (2 points)

Orders Number 19-189-00001 listed within item 9 on all submitted DA Forms 1380 is not reflected within the applicant's available personnel records for review. This document was digitally signed by Captain (CPT) G_ L_ on 1 July 2021. The applicant's performance of duty is listed as an RMA.

b. DA Form 1380 dated 30 June 2021 reflective of the applicant's performance of duty "for pay" (completion of a Dental Exam) (4 hours/1 point) on 24 June 2021. This document was digitally signed by CPT G_ L_ on 1 July 2021.

c. DA Form 1380 dated 30 June 2021, reflective of the applicant's performance of duties for "pay" as a commander/Rescheduled Training (RST) on the following dates:

- 7 June 2021 = 4 hours (1 point)
- 23-24 June 2021 = 4 hours each day (2 points)
- 30 June 2021 = 4 hours (1 point)

This document was digitally signed by CPT G_ L_ on 1 July 2021

d. DA Form 1380 dated 30 July 2021 reflective of the applicant's performance of duties for "pay" as a commander on the following dates:

- 3-4 July 2021 = 4 hours each day (2 points)
- 8 July 2021 = 4 hours (1 point)
- 26-27 July 2021 = 4 hours each day (2 points)
- 29 July 2021 = 4 hours (1 point)

This document was digitally signed by CPT G_ L_ on 30 July 2021. The applicant's performance of duty is listed as an RMA.

e. DA Form 1380 dated 2 January 2022 reflective of the applicant's performance of duty for "points only" on the following dates:

- 1 September 2021 = 4 hours (1 point)
- 13-15 September 2021 = 4 hours each day (3 points)
- 20-22 September 2021 = 4 hours each day (3 points)
- 28 September 2021 = 4 hours (1 point)

This document was digitally signed by CPT G_ L_ on 4 January 2022. The applicant's performance of duty is listed as "RMA."

f. Email communication reflective of an analyst from HRC returning without action the applicant's submitted DA Forms 1380 for April-September 2021 due to their late submission. The applicant was redirected to this Board for consideration.

4. DA Form 5016 (Chronological Statement of Retirement Points) shows for the retirement year beginning on 11 May 2020 and ending on 10 May 2021, the applicant earned 82 Inactive Duty (IDT) points, 15 membership points, and 85 active duty points, totaling 182 total points creditable. For the retirement year beginning on 11 May 2021 and ending on 10 May 2022, the applicant earned 66 IDT points, 15 membership points, and 79 active duty points, totaling 160 total points creditable.

5. A review of the applicant's detailed points history reflected within the Soldier Management System (SMS) contains evidence of previous qualifying service awarded for Inactive Duty (IDT) performed on 16 April 2021 (1 point). There is no evidence of qualifying service credit awarded for the other claimed periods.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board determined that relief was not warranted. The Board carefully considered the applicant's contentions, military record, and regulatory guidance. The Board noted that documentation in the applicant's Solider Management System shows evidence of previously awarded qualifying service performed on 16 April 2021; however, it is void evidence of the requested period and the applicant did not provide any additional documentation on her own behalf. After due consideration of the applicant's request, the Board determined the evidence presented does not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not 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:

The Board determined 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.

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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 and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers.

a. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

b. Paragraph 2–4 states, personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day

IDT Service types include Readiness Management Assembly (RMA). Soldiers may not perform more than one(1) RMA per calendar day, or more than 24 RMAs per fiscal year.

c. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

2. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//