

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 September 2023

DOCKET NUMBER: AR20230001679

APPLICANT REQUESTS: correction of retirement points as follows –

- 16 August 2007 – 15 August 2008 = 56 points rather than 48 points
- 16 August 2009 – 15 August 2010 = 52 points rather than 48 points
- 16 August 2010 – 15 August 2011 = 50 points rather than 44 points
- 16 August 2012 – 15 August 2013 = 56 points rather than 45 points
- 16 August 2013 – 15 August 2014 = 49 points rather than 43 points

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 (Chronological Statement of Retirement Points), 27 April 2023
- Troop Program Unit (TPU) Personnel Actions Checklist, 27 July 2022
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Certificates of Completion
- Orders Number 14-335-00005, 1 December 2014
- Memorandum – Subject: Battle Assemblies at Civilian Health Care Facilities
- Army Medical Department (AMEDD) Professional Management Command letter, 23 July 2007
- Memorandum – Subject: Request to Establish a Clinical Training Site Agreement, 26 April 2007
- Officer Record Brief
- Memorandum – Subject: Exception to Policy to Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), 9 March 2022
- History of Action and Routing

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. 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 his retirement points for 2008, 2010, 2011, 2013 and 2014 are incorrect as they do not accurately reflect all qualifying service that he performed. He notes that he was unaware that civilian training related to professional development as a 72B (Entomologist/Preventive Medicine Officer) could be submitted for retirement points.

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

a. On 15 August 2001, the applicant was appointed a Reserve commission.

b. On 10 May 2007, Headquarters, Army Reserve Medical Command issued Orders Number 07-130-00036 reassigning the applicant to the 1469th Medical Company, effective 10 May 2007.

c. On 8 February 2012, Headquarters, U.S. Army Reserve Command issued Orders Number 12-039-00020 attaching the applicant to the AMEDD Professional Management Command (APMC) for administrative, pay and training support, effective 8 February 2012.

d. On 1 December 2014, Headquarters, APMC issued Orders Number 14-335-00005 releasing the applicant from attachment to the APMC, effective 1 December 2014.

4. The applicant provides the following a:

a. DA Form 5016 dated 27 April 2023, reflective of a detailed listing of the applicant's retirement points earned between 16 August 2001 and 15 August 2022.

b. TPU Personnel Actions Checklist dated 27 July 2022, reflective of the required documents to be submitted in support of a retirement points adjustment. The applicant was required to submit the original DA Forms 1380 signed by the officer having knowledge of his duty performance.

c. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" from 28-29 April 2008 (8 hours per day = 4 points). During this period the applicant completed the 2-day Pesticide Applicator Course. This document is endorsed by his commander on 19 July 2022.

d. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 12 January 2011 (8 hours = 2 points). The applicant completed the Illegal Dumping Enforcement Training Course on this day. This document is endorsed by his commander on 19 July 2022.

e. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 21 February 2014 (8 hours = 2 points). The applicant completed the Continuing Education Course for Pesticide Applicator License on this day. This document is endorsed by his commander on 19 July 2022.

f. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 30 January 2013 (8 hours = 2 points). The applicant attended the Continuing Education Course for Pesticide Applicator License on this day. This document is endorsed by his commander on 19 July 2022.

g. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 16 June 2011 (4 hours = 1 point). The applicant completed ethics training via Distance Learning. This document is endorsed by his commander on 19 July 2022.

h. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 19 June 2013 (4 hours = 1 point). The applicant completed the Continuing Education Course for Pesticide Applicator License on this day. This document is endorsed by his commander on 19 July 2022.

i. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" on 21 May 2014 (8 hours = 2 points). The applicant notes that he completed 2 days of continuing education requirements associated with Child Abuse Prevention and Investigations on this day. This document is endorsed by his commander on 19 July 2022.

j. DA Form 1380 dated 17 May 2022, reflective of the applicant's performance of duty for "points only" from 18-19 November 2009 (8 hours each day = 4 points). The applicant notes that he completed the Structural Pest Control Service continuing education course during this period. This document is endorsed by his commander on 19 July 2022.

k. Certificates of Completion reflective of the following –

- Completion of approved continuing education credits between 28 April 2008 -2 May 2008
- Completion 6 hours of continuing education between 18-19 November 2009
- Attendance at the Illegal Dumping Enforcement Training workshop on 12 January 2011 (6 hours of continuing education)
- Completion of ethics training on 16 June 2011

- Completion of Pesticide Applicator Continuing Education Training on 30 January 2013
- Completion of Pesticide Applicator Continuing Education Training on 19 June 2013
- Completion of Pesticide Applicator Continuing Education Training on 21 February 2014
- Completion of the Child Abuse Prevention and Investigation course (24 hours of classroom instruction) on 21 May 2014

l. Memorandum – Subject: Battle Assemblies at Civilian Health Care Facilities, reflective of the applicant being authorized to perform Inactive Duty Training (IDT) with the Animal and Plant Health Inspection Service (APHIS), Veterinary Service (VS) on 2 August 2007.

m. AMEDD Professional Management Command (APMC) letter dated 23 July 2007, reflective of the agreement between the APMC and the APHIS, VS, authorizing the applicant to serve as a volunteer within their organization.

n. Memorandum – Subject: Request to Establish a Clinical Training Site Agreement dated 26 April 2007, reflective of the request to establish the APHIS, VS, as an authorized clinical training site.

o. Officer Record Brief, reflective of the applicant's pertinent personnel information to include assignment history. Section IX (Assignment History) reflects assignment to the APMC on or about 10 May 2007.

p. Memorandum – Subject: Exception to Policy to AR 140-185 dated 9 March 2022, reflective of the authorization for units to forward their DA Forms 1380 for nonpaid performance of duty to their supporting U.S. Army Reserve Readiness Division no later than 60 days from the performance of duty.

q. History of Action and Routing reflective of the applicant being redirected to this Board to submit his request for the correction of retirement points; previous submissions not in compliance with AR 140-185.

5. On 5 May 2023, Headquarters, U.S. Army Reserve Command, Branch Chief recommended approval of the applicant's request with the exception of 16 June 2011 and 21 May 2014 wherein the applicant completed Ethics and Child Abuse Prevention Training. Neither training courses are considered specifically a part of the applicant's Area of Concentration.

6. On 9 June 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 24 August 2023, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of the requested relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board agreed that applicant performed duty on the requested dates and agreed the record should be corrected accordingly with the exception of 16 June 2011 and 21 May which are not considered within his Area of Concentration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence is sufficient to warrant a recommendation for a portion of the requested relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show correction of the affiliated DA Forms 5016 (Chronological Statement of Retirement Points) in accordance with the following:

- 16 August 2007 – 15 August 2008 = 56 points
- 16 August 2009 – 15 August 2010 = 52 points
- 16 August 2010 – 15 August 2011 = 50 points
- 16 August 2012 – 15 August 2013 = 56 points
- 16 August 2013 – 15 August 2014 = 49 points



[Redacted]

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[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. Title 10, USC, 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 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 qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting. The AYE is much like a Reserve Soldier's "Anniversary" date and is a primary date captured in the Retirement Points Accounting System (RPAS). The anniversary year periods listed on the DA Form 5016 are calculated from an anniversary date. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per DODI 1215.07 and changing the anniversary year ending date are as follows:

a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the service member entered active service or active status in a Reserve Component.

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

- regularly scheduled unit training includes UTA, and 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.

c. Paragraph 2–4 (Criteria for Awarding Retirement Points) 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
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

e. Paragraph 3-4 (Electronic Based Distance Learning) provides that all electronic-based distributed learning courses approved either for payment with Reserve compensation or for completion by Soldiers for Reserve retirement points only, will be listed in the Army Training Requirements and Resources System. Courses designated as eligible for Reserve compensation under the electronic-based distributed learning policy will be appropriately annotated within the ATRRS. Additional training periods for distributed learning for Reserve compensation are authorized only for Soldiers in the paid drill strength of the ARNG and USAR, including drilling individual mobilization augmentees.

//NOTHING FOLLOWS//