



c. On 16 October 2013, Headquarters, III Corps and Fort Hood issued Orders Number 289-0146 reassigning him to the U.S. Army transition point for processing and honorable release from active duty, effective 17 December 2013.

d. On 6 November 2013, he enlisted in the U.S. Army Reserve (USAR) for a period of 6 years.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 17 December 2013 reflects an honorable release from active duty and transfer to a USAR unit. Item 12 (Record of Service) shows service from 24 August 2005 to 17 December 2013 with a net active service this period of 8 years, 3 months, and 24 days.

f. On 17 August 2019, he reenlisted in the USAR for a period of 6 years.

g. DA Form 5016, dated 20 November 2022 shows:

(1) For the Retirement Year Ending (RYE) on 11 August 2017, the applicant earned 27 Inactive Duty Training (IDT) points and 15 membership points, totaling 42 total points creditable.

(2) For the RYE on 11 August 2018, the applicant earned 24 IDT points and 15 membership points, totaling 39 total points creditable.

(3) For the RYE 11 August 2019, the applicant earned 12 IDT points and 15 membership points, totaling 27 total points creditable.

(4) For the RYE on 11 August 2020, the applicant earned 9 IDT points and 15 membership points, totaling 24 total points creditable.

(5) For the RYE on 11 August 2021, the applicant earned 11 IDT points and 15 membership points, totaling 26 total points creditable.

(6) For the RYE on 11 August 2022, the applicant earned 9 IDT points, 15 membership points and 28 Active Duty Training (ADT) points, totaling 52 total points creditable.

h. He continues service with the USAR.

4. The applicant provides the DA Forms 1380, dated 8 December 2022 showing the applicant completed training for following dates:

a. On 10 and 11 December 2016, for 8 hours each, totaling 4 retirement points.

- b. On 11 and 12 February 2017, for 8 hours each, totaling 4 retirement points.
- c. On 10 and 11 March 2018, for 8 hours each, totaling 4 retirement points.
- d. On 13,14, and 15 April 2018, for 8 hours each, totaling 6 retirement points.
- e. On 18,19, and 20 May 2018, for 8 hours each, totaling 6 retirement points.
- f. On 1,2, and 3 June 2018, for 8 hours each, totaling 6 retirement points.
- g. On 6,7,8, and 9 September 2018, for 8 hours each, totaling 8 retirement points.
- h. On 13 and 14 October 2018, for 8 hours each, totaling 4 retirement points.
- i. On 17 and 18 November 2018, for 8 hours each, totaling 4 retirement points.
- j. On 8 December 2018, for 8 hours, totaling 2 retirement points.
- k. On 2 and 3 February 2019, for 8 hours each, totaling 4 retirement points.
- l. On 4 May 2019, for 4 hours, and 5 May 2019, for 8 hours, totaling 3 retirement points.
- m. On 8 and 9 June 2019, for 8 hours each, totaling 4 retirement points.
- n. On 16,17, and 18 August 2019, for 8 hours each, totaling 6 retirement points.
- o. On 8 September 2019, for 8 hours, totaling 2 retirement points.
- p. On 5 and 6 October 2019, for 8 hours each, totaling 4 retirement points.
- q. On 1,2, and 3 November 2019, for 4 hours each, totaling 3 retirement points.
- r. On 7 and 8 December 2019, for 8 hours each, totaling 4 retirement points.
- s. On 13 March 2020, for 4 hours, and 14 and 15 March 2020, for 8 hours each, totaling 5 retirement points.
- t. On 18 and 19 April 2020, for 8 hours each, totaling 4 retirement points.
- u. On 15,16, and 17 May 2020, for 8 hours each, totaling 6 retirement points.

- v. On 7,8, and 9 August 2020, for 8 hours each, totaling 6 retirement points.
- w. On 12 and 13 September 2020, for 8 hours each, totaling 4 retirement points.
- x. On 24 October 2020, for 4 hours, and 25 October 2020, for 8 hours, totaling 3 retirement points.
- y. On 21 and 22 November 2020, for 8 hours each, totaling 4 retirement points.
- z. On 9 and 10 January 2021, for 8 hours each, totaling 4 retirement points.
- aa. On 20 February 2021, for 4 hours, and 21 February 2021, for 8 hours, totaling 3 retirement points.
- bb. On 20 March 2021, for 4 hours, and 21 March 2021, for 8 hours, totaling 3 retirement points.
- cc. On 22 April 2021, for 4 hours, and 23,24, and 25 April 2021, for 8 hours each, totaling 7 retirement points.
- dd. On 22 May 2021, for 4 hours, and 23 May 2021, for 8 hours, totaling 3 retirement points.
- ee. On 3 June 2021, for 4 hours, and 4,5, and 6 June 2021, for 8 hours each, totaling 7 retirement points.
- ff. On 18 September 2021, for 4 hours, and 19 September 2021, for 8 hours, totaling 3 retirement points.
- gg. On 16 October 2021, for 4 hours, and 17 October 2021, for 8 hours, totaling 3 retirement points.
- hh. On 9 January 2022, for 8 hours, totaling 2 retirement points.
- ii. On 26 February 2022, for 4 hours, and 27 February 2022, for 8 hours, totaling 3 retirement points.
- jj. On 18 March 2022, for 4 hours, totaling 1 retirement point.
- kk. On 21 May 2022, for 4 hours, totaling 1 retirement point.
- ll. On 13 and 14 August 2022, for 8 hours each, totaling 4 retirement points.

mm. On 15 October 2022, for 8 hours, and 16 October 2022, for 4 hours, totaling 3 retirement points.

5. On 3 October 2023, the United States Army Reserve Command (USARC) provided an advisory opinion recommending approval of the applicant's request stating, in effect, they reviewed the applicant's documents and determined he should be awarded one hundred and fifty-six (156) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

a. USARC reviewed the applicant's documents and determined he should be awarded one hundred and fifty-six (156) points based off AR 140-185. Since the Soldier is receiving disability payments from Veterans Affairs, he decided to still attend his Battle Assembly for retirement points only.

b. When the Automated Drill Attendance Reporting System is updated to reflect a Soldier is drilling for points only, a corresponding DA Form 1380 needs to be created by the Army Reserve Administrator and signed by the Commander. This form is then sent to the servicing Readiness Division. While the Soldier should have been reviewing the DA Form 5016 yearly to ensure his points were being added, we ask he be granted the points because duty was performed. USARC recommends full administrative relief granted.

6. The applicant was provided with a copy of the advisory opinion to provide a response. He 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, and regulatory guidance were carefully considered. The applicant states he is receiving disability payments from the VA and he decided to still attend his Battle Assembly for retirement points only. He performed qualifying service for points only between 2016 to 2022. He provided DA Forms 1380 in relation to performance of duties for points. When the Automated Drill Attendance Reporting System is updated to reflect a Soldier is drilling for points only, a corresponding DA Form 1380 needs to be created by the Army Reserve Administrator and signed by the Commander. This form is then sent to the servicing Readiness Division. The applicant in this case should have been reviewing the DA Form 5016 annually to ensure his points were being added. It is unclear why he did not submit his DA Forms 1380 to the appropriate office, and on time. Nevertheless, the Board agreed with the USARC's review and determination that the applicant should be awarded approximately one hundred and fifty-six (156) points (exact calculation to be determined by HRC) based on AR 140-185 because the requested points are for duties performed.

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 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 awarding the applicant qualifying retirement points from 2016 to 2022, provided all other criteria is met.

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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. 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 Accounting Records), 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 Troop Program Units, Army

National Guard 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.

a. 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.

b. 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.

//NOTHING FOLLOWS//