

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 August 2024

DOCKET NUMBER: AR20230002667

APPLICANT REQUESTS: his DA Forms 1380 (Record of Individual Performance of Reserve Duty) for the months of March through September 2022 be accepted for retirement point credit.

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

- DD Form 149 (Application for Correction of Military Record)
- Human Resources Command (HRC) orders C-03-203692
- Memorandum addressed to HRC, with seven DA Forms 1380

FACTS:

1. The applicant states, in effect:

a. In November 2022, he submitted DA Forms 1380 for retirement points only to the U.S. Military Academy Reserve Affairs Office for the months of March through September 2022. The processing of his DA Forms 1380 was delayed further because the signing official was on maternity leave through December 2022.

b. His military records are incorrect because he did not receive retirement points for the work that he completed in the Individual Ready Reserve (IRR) from March through September 2022. The U.S. Military Academy Reserve Affairs Office was unable to process his retirement points because the documents were received late.

c. The credit of his accumulated 2022 retirement points should be made because he completed the work as an IRR MALO for the U.S. Military Academy. He believed that since the work that he performed was without pay in the IRR, he had an unlimited time to submit his DA Forms 1380 for points.

2. The applicant provides:

a. HRC orders C-03-203692, dated 6 March 2022, reflecting the applicant was attached to the U.S. Military Academy effective 3 March 2002 for an indefinite period and for the purpose of training/points only.

b. Memorandum addressed to HRC, dated 22 November 2022, subject: Delinquent Retirement Points Credit, requesting the crediting of the reserve retirement points for the applicant for the period March 2022 through September 2022. The justification for the request is that the DA Form 1380 submission was late due to extenuating personal circumstances and that the officer understands that future DA Forms 1380 must be submitted no later than the 20th of the month to ensure timely processing or the form will not be accepted. Seven DA Forms 1380 were submitted as follows:

- he completed a total of 20 hours nonpay status, between 8 March 2022 and 25 March 2022, verified by captain (CPT) [REDACTED] on 22 November 2022
- he completed a total of 16 hours training, between 1 April 2022 and 29 April 2022, verified by CPT [REDACTED] on 22 November 2022
- he completed a total of 20 hours training, between 19 May 2022 and 26 May 2022, verified by CPT [REDACTED] on 22 November 2022
- he completed a total of 36 hours training, between 2 June 2022 and 30 June 2022, verified by CPT [REDACTED] on 22 November 2022
- he completed a total of 28 hours training, between 1 July 2022 and 24 July 2022, verified by CPT [REDACTED] on 22 November 2022
- he completed a total of 21 hours training, between 5 August 2022 and 7 August 2022, verified by CPT [REDACTED] on 22 November 2022
- he completed a total of 24 hours training, between 10 September 2022 and 22 September 2022, verified by CPT [REDACTED] on 22 November 2022

3. A review of the applicant's service record shows:

a. He took the Oath of Office on 12 August 2010 as a captain (CPT)/O-3, Reserve Commissioned Officer.

b. DA Form 5016 (Retirement Accounting Statement, dated 21 February 2024, reflects the applicant has 14 years qualifying for retirement and 1793 points earned and creditable.

c. Previous ABCMR Case AR20230004118, boarded 5 January 2024, reflects the U.S. Army Human Resources Command awarded 4 nonpaid points in accordance with the submitted Records of Individual Performance of Reserve Duty Training (DA Forms 1380); thus, resulting in the applicant's DA Form 5016 being updated to reflect 14 creditable years and 1793 points.

4. U.S. Army Human Resources Command memorandum, dated 3 January 2024, subject: Advisory Opinion, states:

a. The United States Army Human Resources Command (AHRC) reviewed the application. Army Regulation (AR) 140-185, paragraph 3-3, Training and Retirement

Point Credits and Unit Level Strength Accounting Records, requires that nonpaid DA Form 1380s be forwarded to AHRC for the award of retirement points no later than the end of each duty month. The enclosed Records of Individual Performance of Reserve Duty Training (DA Forms 1380) were dated November 2022 and received by AHRC in January 2023.

b. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. This office cannot award nonpaid retirement points without direction from the Army Review Boards Agency.

5. The applicant was notified of the ex-parte correspondence received from U.S. Army Human Resources Command. He was afforded the opportunity to submit comments on the correspondence; however, none have been received.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the approved DA Form 1380s signed by a unit approving official and the delinquent retirement points credit memorandum, dated 22 November 2022, the Board concluded there was sufficient evidence of an error or injustice warranting adding the retirement point credit for service annotated on the DA Form 1380s dated 22 November 2022 from March 2022 to September 2022 (42 total points).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 Army records of the individual concerned be corrected by adding 42 retirement points to his DA Form 5016, for the military service annotated on the DA Form 1380s, dated 22 November 2022 (42 total points).

2/5/2025

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, para 3-3, Training and Retirement Point Credits and Unit Level Strength Accounting Records, requires that nonpaid DA Form 1380s be forwarded to AHRC for the award of retirement points no later than the end of each duty month.
2. DOD Instruction 1215.07, Service Credit for Non-Regular Retirement states in paragraph 3-1(a), Qualifying Years of Satisfactory Service. Pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full year, as described in Paragraphs 3.1.b. and 3.1.c., during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for nonregular retired pay. Retirement point credit depends on the activity performed and include (but not limited to).
 - a. Active Service. Credit active service at the rate of one retirement point per day of active service in the uniformed services as defined in Section 101 of Title 10, U.S.C.
 - b. Inactive Duty Service. Credit inactive duty service as follows: One retirement point for each attendance at an inactive duty training (IDT) period or period of equivalent instruction; One retirement point for each attendance at a period of equivalent training in accordance with Paragraph 2.a.(1) of DoDI 1215.06; and a maximum of two retirement points for attendance at IDT periods, or equivalent training, in any 1 calendar day.
 - c. Several other situations or activities also qualify for retirement points.

//NOTHING FOLLOWS//