

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2023

DOCKET NUMBER: AR20230003109

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect duty performed for points only during the period of 18 through 23 September 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)
- DD Form 577 (Appointment/Termination Record – Authorized Signature)

FACTS:

1. The applicant states in effect, the U.S. Army Human Resources Command (HRC) refused to publish annual training orders for him because his request for orders was submitted after the suspense date for submission for the fiscal year. He performed duty during the period of 18 through 23 September 2022 and waited for HRC to publish the orders after the duty was performed; however, they refused. He later submitted the DA Form 1380 for points only, but it was rejected by HRC because the submission was more than 30-days after the completion of the duty. He requests the correction of his DA Form 5016 to reflect he performed the duty.

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

a. On 25 June 1993, the applicant completed his oath of office and was appointed as a Reserve commissioned officer. The applicant served on active duty for multiple periods in support of named operations.

b. On 13 March 2017, Orders Number C-03-703453, issued by HRC, the applicant was assigned to U.S. Forces Command (FORSCOM) drilling Individual Mobilization Augmentee (IMA) program, effective 13 March 2017. The additional instruction stated the applicant was authorized to perform up to 48 Inactive Duty for Training (IDT) each fiscal year. Drills performed without prior authorization was for points only.

c. On 10 December 2021, Orders Number C-12-113335, issued by HRC, the applicant was assigned to FORSCOM drilling IMA program, effective 9 December 2021. The additional instruction stated the applicant was authorized to perform up to 48 IDT each fiscal year. Drills performed without prior authorization was for points only.

d. On 22 August 2023, Orders Number 5766838, issued by the Department of the Army, the applicant was assigned to the USAR Control Group (Retired Reserve), effective 30 June 2023.

e. DA Form 5016, 23 August 2023 shows for the retirement year ending on 13 November 2022, he obtained 11 Inactive Duty Training (IDT) points, 6 membership points and zero active duty points for a total of 17 creditable points for retirement.

3. The applicant provides:

a. DA Form 1380 dated 30 January 2023 shows the applicant completed 8-hours of duty each day during the period of 18 through 23 September 2022. He performed support for Forces Command G-3/5/7 fourth quarter fiscal year 2022 Army Synchronization and Resourcing Conference at Fort Bragg, NC.

b. DD Form 577 dated 14 May 2020 shows Master Sergeant T- W-, IMA Coordinator was appointed a certifying officer for the submission of DA Forms 1380.

4. On 28 August 2023, in the processing of this case, HRC provided an advisory opinion regarding the applicant's request to be awarded points only for duty performed during the period of 18 through 23 September 2022. The advisory official stated the regulation requires that non-paid DA Forms 1380 to be forwarded to HRC for the awarding of retirement points no later than the end of each duty month. The DA Form 1380 was submitted to HRC in February 2023 for duty that was performed in September 2022. As the DA Form 1380 was not prepared or submitted in accordance with the regulation, the retirement points cannot be awarded without the direction of the Army Review Boards Agency (ARBA).

5. On 1 September 2023, the ARBA, Case Management Division provided the applicant the advisory opinion for review and comment. 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he completed non-paid 8-hours of duty each day during the period of 18 through 23 September 2022, in support of Forces Command G-3/5/7 fourth quarter

FY22 Army Synchronization and Resourcing Conference. The governing regulation requires that non-paid DA Forms 1380 to be forwarded to HRC for the awarding of retirement points no later than the end of each duty month. The Board reviewed and agreed with the HRC finding that the DA Form 1380 was submitted to HRC in February 2023 for duty that was performed in September 2022. As the DA Form 1380 was not prepared or submitted in accordance with the regulation, the retirement points cannot be awarded. The applicant is advised to timely submit their retirement points to the appropriate office to avoid losing earned retirement points.

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 found 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.2.

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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) 140-1 (Mission, Organization, and Training), in effect at the time, provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). It does not contain guidance on preparation for order to active duty under a mobilization situation. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) in effect at the time, contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 states a qualifying year of service for non-regular retired pay is a full year during which a RC 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.

b. Paragraph 2-2 (Criteria for earning retirement points), retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

c. Paragraph 2-3 (Qualification and eligibility for earning retirement points) all active duty and IDT must be preapproved by the unit of assignment/attachment prior to the duty performance.

d. Paragraph 2-4 (Criteria for awarding retirement points), personnel on active duty, ADT, IADT, involuntary ADT, or 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. Table 2–3 provides criteria for award of retirement points for IDT performed in accordance with Department of Defense Instruction 1215.07 and AR 140–1. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. A maximum of two retirement points may be credited for attendance at unit BA or IDT in any 1 calendar day.

Inactive duty service types are:

- Readiness management assembly-Soldiers may not perform more than one readiness management assembly (RMA) per calendar day, or more than 24 RMAs per fiscal year
- Additional flight training period
- Additional training assemblies (ATA), Soldiers may not perform more than 12 ATAs per fiscal year
- Battle assemblies (BA)/rescheduled training, Soldiers may not perform more than 48 BAs per fiscal year, Soldiers must perform RST within 60 days of the missed BA
- ET, Soldiers may not make up more than four ETs per fiscal year
- Funeral honors duty, one retirement point will be credited for each day in which funeral honors duty is performed
- Four-hour rule-Soldiers earn one point for each scheduled 4-hour period of IDT at BA, RST, ET, or ATA
- Two-hour rule-Soldiers earn one point for each IDT period per day for funeral honors duty with a maximum of one point per calendar day
- Four/eight-hour rule-Soldiers earn one point for each 4-hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8-hours; maximum of two points in 1 calendar day
- Points may not be awarded under more than one of the rules during any single calendar day

e. Paragraph 3–3 (DA Form 1380), a. the purpose of this form is to record IDT by:  
(3) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPUs, ARNG units, or to another Service or component for training per AR 140–10. 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. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units. (4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in table 2–3.

//NOTHING FOLLOWS//