

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230003814

APPLICANT REQUESTS: correction of retirement points

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Letter of Lateness for DA Form 1380 for Points, 23 April 2021
- Memorandum – Subject: Revised DA Form 1380, 23 January 2023
- Reserve Health Readiness Program – Voucher for Service, 5 April 2019
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 330 (Language Proficiency Questionnaire)

FACTS:

1. The applicant states in pertinent part that his retirement points are incorrect as they do not accurately reflect all periods of qualifying service completed.
2. A review of the applicant's available service records reflects the following a:
  - a. On 21 July 2008, the applicant enlisted in the U.S. Army Reserve (USAR) to serve as an 09L (Translator Aide) for 8 years and subsequently assigned to the USAR Control Group (Reinforcement).
  - b. On 5 August 2008, the applicant was ordered to active duty.
  - c. On 18 July 2012, the applicant was released from active duty and transferred into the USAR Control Group (Reinforcement)
  - d. On 21 July 2015, the applicant reenlisted in the USAR for 6 years.
  - e. On 9 October 2018, Headquarters, U.S. Army Human Resources Command issued Orders Number C-10-811491 reassigning the applicant to a unit, effective 2 October 2018.

f. On 13 August 2022, the applicant reenlisted in the USAR for 4 years.

3. The applicant provides the following a:

a. Memorandum – Subject: Letter of Lateness for DA Form 1380 for Points, dated 23 April 2021 reflective of the applicant's justification for the late submission of his DA Forms 1380; not previously submitted by unit administrator.

b. Memorandum – Subject: Revised DA Form 1380, dated 23 January 2023, reflective of the justification for why the applicant's submitted DA Forms 1380 (2018-2019) were reconstructed – due to previous clerical errors later revised and endorsed by the applicant's commander.

c. Reserve Health Readiness Program – Voucher for Service, dated 5 and 8 April 2019, reflective of healthcare and dental exam performed on the applicant in support of Physical Health Assessment requirements to be performed.

d. DA Form 1380 dated 8 April 2019, reflective of the applicant's performance of active-duty service (Medical Retention Determination Point (MDRP)) on 8 April 2019 (4 hours/1 point) for pay; coded as "P1."

e. DA Form 1380 dated 5 April 2019, reflective of the applicant's performance of active-duty service MDRP on 5 April 2019 (4 hours/1 point) for pay; coded as "P1."

f. DA Form 1380 dated 6 February 2019, reflective of the applicant's performance of active-duty service MDRP on 6 February 2019 (4 hours/1 point) for pay; coded as "P1."

g. DA Form 1380 dated 18 February 2018, reflective of the applicant's performance of active-duty service (Battle Assembly (BA)) on 9-10 February 2018 (8 hours per day/4 points total) for "points only"; coded as "N2."

h. DA Form 1380 dated 9 December 2018, reflective of the applicant's performance of active-duty service (BA) on 7-9 December 2018 (8 hours per day/6 points total) for "points only"; coded as "N2."

i. DA Form 1380 dated 19 June 2019, reflective of the applicant's performance of active-duty service (BA) on 7-9 and 17-19 June 2019 (8 hours per day/12 points total) for "points only"; coded as "N2."

j. DA Form 1380 dated 10 March 2019, reflective of the applicant's performance of active-duty service (BA) on 9-10 March 2019 (8 hours per day/4 points total) for "points only"; coded as "N2."

k. j. DA Form 1380 dated 14 April 2019, reflective of the applicant's performance of active-duty service (BA) on 12-14 April 2019 (8 hours per day/6 points total) for "points only"; coded as "N2."

l. DA Form 1380 dated 19 May 2019, reflective of the applicant's performance of active-duty service (BA) on 18-19 May 2019 (8 hours per day/4 points total) for "points only"; coded as "N2."

m. DA Form 1380 dated 15 September 2019, reflective of the applicant's performance of active-duty service (BA) on 13-15 September 2019 (8 hours per day/6 points total) for "points only"; coded as "N2."

n. DA Form 1380 dated 23 January 2019, reflective of the applicant's performance of active-duty service MDRP on 23 January 2019 (4 hours/1 point) for pay; coded as "P1."

o. DA Form 1380 dated 25 January 2019, reflective of the applicant's performance of active-duty service MDRP on 25 January 2019 (4 hours/1 point) for pay; coded as "P1."

p. DA Form 330 dated 8 February 2019 and 2 March 2019, reflective of the applicant's completion of the Defense Language Proficiency Testing (DLPT) for Arabic language.

4. The applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points), dated 23 October 2023 reflects the following:

- 21 July 2017 – 20 July 2018: 15 points total (comprised of 15 membership points)
- 21 July 2018 – 20 July 2019: 21 points total (comprised of 6 Inactive Duty (IDT) and 15 membership points)
- 21 July 2019 – 20 July 2020: 48 points total (comprised of 23 IDT, 10 Active Duty Training (ADT) and 15 membership points)

5. On 21 June 2023, Headquarters, U.S. States Army Reserve Command, Branch Chief, provided an advisory opinion noting that the applicant should be awarded some retirement points. However, he should not be awarded retirement points for the DA Forms 1380 reflecting "P1" (i.e., 23 January 2019, 25 January 2019, 6 February 2019, 5 April 2019 and 8 April 2019).

6. On 29 June 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 23 October 2023, the applicant has not responded.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, military record, and regulatory guidance. The Board agreed documentation available for review supports, in part, consideration of the applicant's request for corrections to his record to reflect the award of additional retirements points for duties performed.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other relief not stated above.

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:

1. The Board determined the evidence presented sufficient to warrant a recommend for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show the following DA Forms 1380 were turned in to the appropriate USAR Readiness Division in a timely manner and that they were properly considered, in which the Readiness Division will determine the appropriate amount of service credit to add to the applicant's record.

- DA Form 1380 dated 18 February 2018, reflective of the applicant's performance of active-duty service (Battle Assembly (BA)) on 9-10 February 2018 (8 hours per day/4 points total) for "points only"; coded as "N2."

- DA Form 1380 dated 9 December 2018, reflective of the applicant's performance of active-duty service (BA) on 7-9 December 2018 (8 hours per day/6 points total) for "points only"; coded as "N2."
- DA Form 1380 dated 19 June 2019, reflective of the applicant's performance of active-duty service (BA) on 7-9 and 17-19 June 2019 (8 hours per day/12 points total) for "points only"; coded as "N2."
- DA Form 1380 dated 10 March 2019, reflective of the applicant's performance of active-duty service (BA) on 9-10 March 2019 (8 hours per day/4 points total) for "points only"; coded as "N2."
- DA Form 1380 dated 14 April 2019, reflective of the applicant's performance of active-duty service (BA) on 12-14 April 2019 (8 hours per day/6 points total) for "points only"; coded as "N2."
- DA Form 1380 dated 19 May 2019, reflective of the applicant's performance of active-duty service (BA) on 18-19 May 2019 (8 hours per day/4 points total) for "points only"; coded as "N2."



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.

REFERENCE:

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.

a. 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.

b. 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.

c. 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.

d. Paragraph 3-3b, states 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 10c 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.

//NOTHING FOLLOWS//