

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 January 2024

DOCKET NUMBER: AR20230003835

APPLICANT REQUESTS: in effect –

- correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) were accepted and added to his record
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 6 December 2021, 4 and 8 April 2022, and 30 June 2022
- Email communication(s), December 2021 - August 2022

FACTS:

1. The applicant states he had several points only DA Forms 1380 not submitted by his S-1. He did not discover this until the fiscal year was over and he received a yearly summary of his Retirement Accounting Statement. Per Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) he was unable to submit these DA Forms 1380 because it had been beyond the 60 days to submit. He submitted all these DA Forms 1380 on time, but it was the failure of his S-1 section to properly submit them to the next higher chain of command. He worked hard that year for his unit coming in for points only and wishes to have his points recorded correctly. It has not been more than 3-years, but he initially resubmitted his DA Forms 1380 but because of the IPPS-A implementation the process delayed his current G-1 in notifying him that he needed to submit his DA Forms 1380 to the Army Review Boards Agency.

2. A review of the applicant's military records show the following:

a. Having prior enlisted and commissioned officer service in the Regular Army, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed an oath of office on 24 April 2012.

b. DA Form 5016 (Retirement Accounting Statement) dated 18 December 2023, shows the applicant's total career retirement points earned as 553 Inactive Duty Training (IDT) points, 13 extension course points, 215 membership points, 4291 active duty points, 18 years qualifying for retirement, 5072 points earned, and 4998 points creditable. It also shows, in pertinent part, he earned the following retirement points during the periods:

- 19 November 2020 to 18 November 2021 – 4 IDT points, 15 membership points, 315 active duty points, 1 year qualifying for retirement, 334 points earned, and 334 points creditable
- 19 November 2021 to 13 November 2022 – 116 IDT points, 15 membership points, 65 active duty points, 11 months and 25 days qualifying for retirement, 196 points earned, and 195 points creditable

c. DA Form 5016 (Chronological Statement of Retirement Points), dated 4 January 2024, shows in pertinent part:

(1) The applicant earned the following retirement points during the period of 19 November 2020 to 18 November 2021 – 4 IDT points, 15 membership points, and 315 active duty points, 1 year qualifying for retirement, and 334 total points creditable.

(2) A total of 238 IDT points, 13 extension course points, 185 membership points, 4186 active duty points, 17 years and 3 days qualifying for retirement, and 4622 points creditable.

3. In support of his case, the applicant provides:

a. DA Forms 1380 dated 6 December 2021, 4 and 8 April 2022, and 30 June 2022, which show the following:

- 4, 5 and 8 November 2021 – 8 hours each day, N2 (nonpaid), "Los Alamitos, CA, DMC section, In-processing and DMC staff work"; totaling: 6 points
- 9 and 10 November 2021 – 8 hours each day, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 4 points
- 29 November 2021 – 4 hours, N1 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 1 point
- 30 November 2021 – 8 hours, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 2 points
- 2 and 3 December 2021 – 8 hours each day, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 4 points

- 6, 7 and 8 December 2021 – 8 hours each day, N-2 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, In-processing and DMC staff work; totaling: 6 points
- 9 December 2021 – 4 hours, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, DMC staff work; totaling: 1 point
- 10 December 2021 – 8 hours, N-2 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, DMC staff work; totaling: 2 points
- 13, 14, 15 and 16 December 2021 – 4 hours each day, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, DMC staff work; totaling: 4 points
- 20, 21, 22, 27, 28 and 29 December 2021 – 4 hours each day, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, DMC staff work; totaling: 6 points
- 7 and 8 March 2022 – 4 hours each day, N-1 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 2 points
- 14, 17, 24, 28 and 31 March 2022 – 8 hours each day, N-2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 10 points
- 1, 2 and 6 June 2022 – 4 hours each day, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA 90270, DMC section, DMC staff work; totaling: 3 points
- 15 and 16 June 2022 – 8 hours each day, N-2 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA 90270, DMC section, DMC staff work; totaling: 4 points

b. Email communication(s) during the period of December 2021 to August 2022 between him and his S-1 discussing DA Forms 1380 being submitted for points only and pay.

4. On 30 August 2023, Headquarters, U.S. Army Reserve Command (USARC), provided an advisory opinion for this case and stated, USARC reviewed the applicant's documents and determined he should be awarded the points based off AR 140-185. Full administrative relief granted.

5. On 5 September 2023, the applicant was provided a copy of the USARC advisory opinion for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable

decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board agreed regulatory guidance provides the suspense to turn in the DA Form 1380. However, the Board determined the evidence presented sufficient to determined that the had performed the duties reflected on the supporting DA Forms 1380 and recommendation for relief is warranted.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing he submitted properly constituted DA Forms 1380, in a timely manner, to the appropriate HRC office for service credit consideration.

DA Forms 1380 dated 6 December 2021, 4 and 8 April 2022, and 30 June 2022, which show the following:

- 4, 5 and 8 November 2021 – 8 hours each day, N2 (nonpaid), "Los Alamitos, CA, DMC section, In-processing and DMC staff work"; totaling: 6 points
- 9 and 10 November 2021 – 8 hours each day, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 4 points
- 29 November 2021 – 4 hours, N1 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 1 point
- 30 November 2021 – 8 hours, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 2 points

- 2 and 3 December 2021 – 8 hours each day, N2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 4 points
- 6, 7 and 8 December 2021 – 8 hours each day, N-2 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, In-processing and DMC staff work; totaling: 6 points
- 9 December 2021 – 4 hours, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA, DMC section, DMC staff work; totaling: 1 point
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- 7 and 8 March 2022 – 4 hours each day, N-1 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 2 points
- 14, 17, 24, 28 and 31 March 2022 – 8 hours each day, N-2 (nonpaid), Los Alamitos, CA, DMC section, DMC staff work; totaling: 10 points
- 1, 2 and 6 June 2022 – 4 hours each day, N-1 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA 90270, DMC section, DMC staff work; totaling: 3 points
- 15 and 16 June 2022 – 8 hours each day, N-2 (nonpaid), 4201 Saratoga Avenue, Los Alamitos, CA 90270, DMC section, DMC staff work; totaling: 4 points



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. AR 15-185 (ABCMR), states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2–11 states that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. AR 140-1 (Mission, Organization, and Training) states in paragraph 3-26 (Training of Soldiers in a non-pay status), Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are approved for:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points. Paragraph 3-3b (DA Form 1380) states, nonpaid DA Forms 1380 will not be entered into automated drill attendance reporting software and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//