

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230003844

APPLICANT REQUESTS: correction of retirement points for years 2000, 2009 and 2020.

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)
- Certificate of Attendance
- USAR Form 26-R (Pay Document – Transmittal Letter)
- Orders Number T-10-011012, 7 October 2020
- DA Form 5016 (Retirement Accounting Statement), 15 March 2023
- Email communication

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part, her retirement points are incorrect as they do not reflect all her creditable service. She contests that in 2020, she performed 13 days of Annual Training (AT) and 15 days of Inactive Duty Training (IDT). She received retirement points for the AT period (12) but denies receipt of retirement points (30) for the IDT period. Despite her repeated attempts to obtain service credit through her unit administrator, the corrections were never made. In 2000 and 2009, she provided the submitted DA Forms 1380 and Certificates of Attendance, but her records were never updated to reflect creditable service for these periods.

3. A review of the applicant's available service records reflects the following:

a. On 14 February 1997, the applicant was appointed a Reserve commission within the Army Nurse Corps.

b. On 12 January 1999, the U.S. Army Reserve Personnel Command (ARPERSCOM) issued Orders Number C-01-900994 reassigning the applicant to a unit, effective 7 January 1999.

c. On 3 December 1999, the U.S. Army Reserve Command issued Orders Number N-337-009 reassigning the applicant to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 3 December 1999.

d. On 10 January 2000, ARPERSCOM issued Orders Number C-01-000653 reassigning the applicant to an Individual Mobilization Augmentee (IMA) position as a nurse anesthetist, effective 15 January 2000.

e. On 1 November 2000, Headquarters, 88th Regional Support Command issued Orders Number 00-306-002 reassigning the applicant to the USAR Control Group (Reinforcement), effective 1 November 2000.

f. On 6 August 2008, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-08-814400 reassigning the applicant to an IMA position with the U.S. Army Medical Activity, West Point, NY, effective 6 August 2008.

g. The applicant remains in the USAR.

4. The applicant provides the following:

a. DA Form 1380 dated 25 July 2000 reflective of the applicants submitted request for 1 retirement point (points only) for the completion of 3 hours of continuing education training (Anesthesia Grand Rounds Morning Conference).

b. DA Form 1380 dated 29 August 2000 reflective of the applicants submitted request for 1 retirement point (points only) for the completion of 5 hours of continuing education training (Anesthesia Grand Rounds Morning Conference).

c. DA Form 1380 dated 25 April 2000 reflective of the applicants submitted request for 1 retirement point (points only) for the completion of 4 hours of continuing education training (Anesthesia Grand Rounds Morning Conference).

d. DA Form 1380 dated 28 March 2000 reflective of the applicants submitted request for 1 retirement point (points only) for the completion of 4 hours of continuing education training (Anesthesia Grand Rounds Morning Conference).

e. DA Form 1380 dated 9 April 2009 reflective of the applicants submitted request for 2 retirement points (points only) for the completion of 8 hours of continuing education

training for Management of Anesthetic Emergencies and Simulation lab (8.2 contact hours).

f. DA Form 1380 dated 13 June 2009 reflective of the applicants submitted request for 2 retirement points (points only) for the completion of 8 hours of continuing education training for Basic and Advanced Airway Seminar and Workshop (8.4 contact hours).

g. DA Form 1380 dated 5 August 2009 reflective of the applicants submitted request for 2 retirement points (points only) for the completion of 8 hours of continuing education training for Regional Anesthesia: Spinal and Epidural Workshop (6 contact hours).

h. DA Form 1380 dated 29 October 2009 reflective of the applicants submitted request for 4 retirement points (points only) for the completion of 15 hours of continuing education training between 26 – 29 October 2009 (Concept in Anesthesia – Certificate of Attendance) (20 contact hours – 15 hours attended). This duty is supported by a Certificate of Attendance provided.

i. DA Form 1380 dated 25 November 2020 reflective of the applicants submitted request for 24 retirement points (points only) for the completion of 96 hours of active duty service performed from 14-25 November 2020 (8 hours per day).

j. DA Form 1380 dated 28 November 2020 reflective of the applicants submitted request for 6 retirement points (points only) for the completion of 24 hours of active duty service performed from 26-28 November 2020 (8 hours per day).

k. USAR Form 26-R reflective of the applicant's submitted request for service credit for active duty service performed from 14-28 November 2020.

l. Orders Number T-10-011012 dated 7 October 2020, reflective of the applicant being ordered to active duty for 12 days plus allowable travel time, effective 2 November 2020.

m. DA Form 5016 dated 15 March 2023, showing the applicant earned the following:

- Retirement Year Ending (RYE) 13 February 2001; 19 extension course points, 15 membership points, 15 active duty points, 49 points creditable
- RYE 13 February 2010; 26 extension course points, 15 membership points, 41 points creditable
- RYE 13 February 2021; 1 IDT point, 15 membership points, 12 active duty points, 28 points creditable

n. Email communication reflective of communication between the applicant and members of the West Point Health Services area, U.S. Army Reserve Command and AHRC regarding the correction of her retirement points. AHRC advised the applicant that her request was being returned without action and further referred to this Board for review. This communication is further provided in its entirety within the supporting documents for the Boards review.

4. On 5 September 2023, AHRC, Chief, Personnel Services Division provided an advisory opinion noting that they were unable to process the applicant's requested relief because the submitted documents were not prepared in accordance Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) noting that block 9 on the DA Form 1380 does not match the proper description in AR 140-185, table 2-3.

5. On 23 September 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. On 7 October 2023, the applicant responded to the advisory opinion reaffirming her initial request. She further notes that the submitted DA Forms 1380 were completed the same way they were on previous occasions and denies knowledge of any errors/mismatches contained within. This communication is further provided in its entirety within the supporting documents for the Boards review.

7. A review of the applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points) provides the following:

- from 14 February 2000 – 13 February 2001: 49 total retirement points (19 extension course, 15 membership points, 15 active duty points)
- from 14 February 2009 – 13 February 2010: 41 total retirement points (26 extension course and 15 membership points)
- from 14 February 2020 – 13 February 2021: 28 total retirement points (1 IDT point, 15 membership points, and 12 active duty points)

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 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 appropriate USAR Readiness Division should consider her significant amount of service credit.

- a. DA Form 1380 dated 25 July 2000 reflective of the applicants submitted request for 1 retirement point (points only) for the completion of 3 hours of continuing education training (Anesthesia Grand Rounds Morning Conference).
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l. Orders Number T-10-011012 dated 7 October 2020, reflective of the applicant being ordered to active duty for 12 days plus allowable travel time, effective 2 November 2020.

m. DA Form 5016 dated 15 March 2023, showing the applicant earned the following:

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 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 to show the 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.

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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.

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.

e. Table 3-1 (Codes for Recording Appropriate or Equivalent Instruction or Duty on DA Form 1380) provides that code "M" will be utilized to document attendance or participation at appropriate professional and/or trade association convention and Armed Forces seminars.

//NOTHING FOLLOWS//