

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230003849

APPLICANT REQUESTS: in effect, retirement points credit for service performed and correction of retirement points for 2018-2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Attempts to Correct Retirement Points, 16 March 2023
- Memorandum – Subject: Letter of Lateness, Retirement Points Only DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 3 November 2022
- DA Form 5016 (Chronological Statement of Retirement Points), 16 September 2022
- Detailed Points history
- Transmittal log
- DA Forms 1380

FACTS:

1. The applicant states in pertinent part that his personnel records do not accurately reflect his performance of qualifying service for "points only" between 2018-2022. He contests that the DA Forms 1380 were submitted to the U.S. Army Human Resources Command (AHRC) but not processed despite repeated attempts. He notes the addition of this qualifying service performed will exceed the eligibility requirements needed for 20 qualifying years of service. He reached age 60 on 13 March 2023.

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

a. Following his service in the U.S. Air Force, on 26 February 1996, the applicant enlisted in the U.S. Army Reserve (USAR) and subsequently assigned to a Troop Program Unit (TPU).

b. On or about 27 February 2004, the applicant was released from the USAR.

c. On 10 March 2009, the applicant enlisted in the USAR and was subsequently assigned to a TPU.

d. On 15 November 2023, the Department of the Army issued Orders Number 6561749 involuntarily discharging the applicant from the USAR, effective 31 March 2023.

3. The applicant provides the following a:

a. Memorandum – Subject: Attempts to Correct Retirement Points, dated 16 March 2023, reflective of the 457th Transportation Battalion, Supervisory Staff Administrator's (SSA) familiarization with the applicant's requested relief. The SSA provides that the applicant performed duty for points only from September 2018 – January 2022 due to his receipt of disability payments from the Department of Veterans Affairs (DVA) beginning in 2018. The SSA further notes that during this period, the DA Forms 1380 were being completed and submitted along with the Inactive Duty Training (IDT) attendance roster for pay. There was a discrepancy pertaining to which forms would be submitted to AHRC for points only resulting in no action being taken on the provided DA Forms 1380. This document is provided in its entirety within the supporting documents for the Board's review.

b. Memorandum – Subject: Letter of Lateness, Retirement Points Only DA Forms 1380, dated 3 November 2022, reflective of the 457th Transportation Battalion, SSA's submitted justification regarding the late submission of the applicant's DA Forms 1380. The SSA again notes the discrepancy at the unit level regarding how to process the applicant's DA Forms 1380. This document is provided in its entirety within the supporting documents for the Board's review.

c. DA Form 5016 dated 16 September 2022, reflective of a detailed account of retirement points earned by the applicant in the previous completed anniversary years from 1983 – 2022. During the periods occurring between 10 March 2018 – 9 March 2022, the applicant failed to obtain the minimum 50 points required to be credited with qualifying year(s) of service. The applicant was awarded the following:

- 10 March 2018 – 9 March 2019 = 38 points total (comprised of 16 IDT, 15 membership and 7 Active Duty Training (ADT) points)
- 10 March 2019 – 9 March 2020 = 30 points total (comprised of 0 IDT, 15 membership and 15 ADT points)
- 10 March 2020 – 9 March 2021 = 29 points total (comprised of 0 IDT, 15 membership and 14 ADT points)
- 10 March 2021 – 9 March 2022 = 15 points total (comprised of 0 IDT, 15 membership and 0 ADT points)

d. Detailed Points history, reflective of the applicants requested points to be awarded for qualifying service performed between 10 March 2018 – 9 March 2022.

- 10 March 2018 – 9 March 2019 = 59 points total (comprised of 37 IDT, 15 membership and 7 ADT points)
- 10 March 2019 – 9 March 2020 = 68 points total (comprised of 38 IDT, 15 membership and 15 ADT points)
- 10 March 2020 – 9 March 2021 = 57 points total (comprised of 28 IDT, 15 membership and 14 ADT points)
- 10 March 2021 – 9 March 2022 = 55 points total (comprised of 40 IDT, 15 membership and 0 ADT points)

e. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed between 16 October 2021 – 23 January 2022.

f. DA Form 1380 dated 17 October 2021, reflective of the applicant's performance of qualifying service for "points only" from 16-17 October 2021 (8 hours per day = 4 points).

g. DA Form 1380 dated 7 November 2021, reflective of the applicant's performance of qualifying service for "points only" from 6-7 November 2021 (8 hours per day = 4 points).

h. DA Form 1380 dated 23 January 2022, reflective of the applicant's performance of qualifying service for "points only" from 22-23 January 2023 (8 hours per day = 4 points).

i. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed between 24 October 2020 – 17 September 2021.

j. DA Form 1380 dated 25 October 2020, reflective of the applicant's performance of qualifying service for "points only" from 24–25 October 2020 (8 hours per day = 4 points).

k. DA Form 1380 dated 22 November 2020, reflective of the applicant's performance of qualifying service for "points only" from 21-22 November 2020 (8 hours per day = 4 points).

l. DA Form 1380 dated 6 December 2020, reflective of the applicant's performance of qualifying service for "points only" from 5-6 December 2020 (8 hours per day = 4 points).

m. DA Form 1380 dated 24 January 2021, reflective of the applicant's performance of qualifying service for "points only" from 23-24 January 2021 (8 hours per day = 4 points).

n. DA Form 1380 dated 21 February 2021, reflective of the applicant's performance of qualifying service for "points only" from 20-21 February 2021 (8 hours per day = 4 points).

o. DA Form 1380 dated 28 March 2021, reflective of the applicant's performance of qualifying service for "points only" from 27-28 March 2021 (8 hours per day = 4 points).

p. DA Form 1380 dated 11 April 2021, reflective of the applicant's performance of qualifying service for "points only" from 8-11 April 2021 (8 hours per day = 8 points).

q. DA Form 1380 dated 16 May 2021, reflective of the applicant's performance of qualifying service for "points only" from 15-16 May 2021 (8 hours per day = 4 points).

r. DA Form 1380 dated 26 June 2021, reflective of the applicant's performance of qualifying service for "points only" from 26-27 June 2021 (8 hours per day = 4 points).

s. DA Form 1380 dated 15 August 2021, reflective of the applicant's performance of qualifying service for "points only" from 14-15 August 2021 (8 hours per day = 4 points).

t. DA Form 1380 dated 17 September 2021, reflective of the applicant's performance of qualifying service for "points only" from 16-17 September 2021 (8 hours per day = 4 points).

u. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed between 26 October 2019 – 23 February 2020.

v. DA Form 1380 dated 27 October 2019, reflective of the applicant's performance of qualifying service for "points only" from 26-27 October 2019 (8 hours per day = 4 points).

e. DA Form 1380 dated 8 December 2019, reflective of the applicant's performance of qualifying service for "points only" from 7-8 December 2019 (8 hours per day = 4 points).

f. DA Form 1380 dated 26 January 2020, reflective of the applicant's performance of qualifying service for "points only" from 25-26 January 2020 (8 hours per day = 4 points).

g. DA Form 1380 dated 24 February 2020, reflective of the applicant's performance of qualifying service for "points only" from 23-24 February 2020 (8 hours per day = 4 points).

h. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed from 25-28 September 2020.

i. DA Form 1380 dated 28 September 2020, reflective of the applicant's performance of qualifying service for "points only" from 25-28 September 2020 (8 hours per day = 8 points).

h. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed between 12 October 2018 – 15 September 2019.

j. DA Form 1380 dated 14 October 2018, reflective of the applicant's performance of qualifying service for "points only" on 12 and 14 October 2018 (8 hours per day = 4 points).

k. DA Form 1380 dated 4 November 2018, reflective of the applicant's performance of qualifying service for "points only" from 3-4 November 2018 (8 hours per day = 4 points).

l. DA Form 1380 dated 13 January 2019, reflective of the applicant's performance of qualifying service for "points only" from 12-13 January 2019 (8 hours per day = 4 points).

m. DA Form 1380 dated 10 February 2019, reflective of the applicant's performance of qualifying service for "points only" from 9-10 February 2019 (8 hours per day = 4 points).

n. DA Form 1380 dated 30 April 2019, reflective of the applicant's performance of qualifying service for "points only" 27-30 April 2019 (8 hours per day = 8 points).

o. DA Form 1380 dated 9 June 2019, reflective of the applicant's performance of qualifying service for "points only" from 8-9 June 2019 (8 hours per day = 4 points).

p. DA Form 1380 dated 18 August 2019, reflective of the applicant's performance of qualifying service for "points only" from 17-18 August 2019 (8 hours per day = 4 points).

q. DA Form 1380 dated 15 September 2019, reflective of the applicant's performance of qualifying service for "points only" from 13-15 September 2019 (8 hours per day = 6 points).

r. Transmittal log reflective of the submission of the applicant's DA Forms 1380 for duty performed between 14-16 September 2018.

s. DA Form 1380 dated 16 September 2018, reflective of the applicant's performance of qualifying service for "points only" from 14-16 September 2018 (8 hours per day = 6 points).

4. The applicant's detailed points history available within the Soldier Management System – Web (SMS-Web) is void of evidence of points previously awarded for the periods requested in the relief.

5. On 30 August 2023, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request noting that his submitted documents are in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records).

6. On 8 September 2023, the applicant was provided with a copy of the advisory opinion and was afforded 15 days to provide comments. As of 11 January 2024, the applicant has not responded.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. According to the submitted DA Form 1380, the applicant performed the duties and qualified for retirement points for those duties performed between 10 March 2018 – 9 March 2022. The Board was persuaded by his argument that administrative errors occurred in that there was a discrepancy pertaining to how to process the applicant's DA Forms 1380 and which forms would be submitted to HRC for points only resulting in no action being taken on the provided DA Forms 1380. The Board agreed with the USARC determination that the applicant should be awarded the points in accordance with AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The DA Form 1380 shows he performed duty for points only, but it was never updated to the DA Form 5016. The Board determined that full administrative relief should be granted.

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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant qualifying retirement points from 10 March 2018 and 9 March 2022, provided all other criteria is met.

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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 9c 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//