

IN THE CASE OF: ██████████

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230003978

APPLICANT REQUESTS: correction of retirement points for 2014 and 2015.

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)
- Memorandum – Subject: Assumption of Command by Authority of Army Regulation (AR) 600-20 (Army Command Policy), Paragraph 2-5d, 6 December 2014

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 she performed military duties in 2014 and 2015; however, this qualifying service is not reflected within her service records.

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

a. After serving in the U.S. Air Force and the Regular Army, on 16 November 2011, the applicant enlisted in the U.S. Army Reserve (USAR) for 6 years and was subsequently assigned to a USAR troop program unit upon being released from active-duty on 19 April 2012.

b. On 16 March 2018, the applicant reenlisted for 6 years.

4. The applicant provides:

a. DA Form 1380 dated 15 January 2014, reflective of the applicant's performance of military duties for "points only" from 3-5 January 2014 (8 hours per day = 6 points total).

b. DA Form 1380 dated 15 February 2014, reflective of the applicant's performance of military duties for "points only" from 7-8 February 2014 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

c. DA Form 1380 dated 15 March 2014, reflective of the applicant's performance of military duties for "points only" from 1-2 March 2014 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

d. DA Form 1380 dated 15 April 2014, reflective of the applicant's performance of military duties for "points only" from 4-5 April 2014 (8 hours per day = 4 points total).

e. DA Form 1380 dated 15 May 2014, reflective of the applicant's performance of military duties for "points only" from 3-4 May 2014 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

f. DA Form 1380 dated 15 June 2014, reflective of the applicant's performance of military duties for "points only" from 7-8 June 2014 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

g. DA Form 1380 dated 15 July 2014, reflective of the applicant's performance of military duties for "points only" from 12-13 July 2014 (8 hours per day = 4 points total).

h. DA Form 1380 dated 15 August 2014, reflective of the applicant's performance of military duties for "points only" from 2-3 August 2014 (8 hours per day = 4 points total).

i. DA Form 1380 dated 15 October 2014, reflective of the applicant's performance of military duties for "points only" from 4-5 October 2014 (8 hours per day = 4 points total).

j. DA Form 1380 dated 15 November 2014, reflective of the applicant's performance of military duties for "points only" from 1-2 November 2014 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

k. Memorandum – Subject: Assumption of Command by Authority of AR 600-20, Paragraph 2-5d, dated 6 December 2014, reflective of captain (CPT)/O-3 [REDACTED] assuming command of Headquarters and Headquarters Company, 3rd Battalion, 347th Infantry Regiment, 177th Armor Brigade, effective 6 December 2014.

l. DA Form 1380 dated 15 January 2015, reflective of the applicant's performance of military duties for "points only" from 10-11 January 2015 (8 hours per day = 4 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

m. DA Form 1380 dated 15 February 2015, reflective of the applicant's performance of military duties for "points only" from 7-8 February 2015 (8 hours per day = 4 points total).

n. DA Form 1380 dated 15 March 2015, reflective of the applicant's performance of military duties for "points only" from 7-8 March 2015 (8 hours per day = 4 points total).

o. DA Form 1380 dated 15 May 2015, reflective of the applicant's performance of military duties for "points only" from 2-3 May 2015 (a total of 24 hours of duty was performed during this period, but the document reflects "2 points per day = 4 points total).

p. DA Form 1380 dated 15 April 2015, reflective of the applicant's performance of military duties for "points only" from 10-12 April 2015 (8 hours per day = 6 points total). The applicant's detailed points history already reflects qualifying service credit awarded for this period.

q. DA Form 1380 dated 15 July 2015, reflective of the applicant's performance of military duties for "points only" from 11-12 July 2015 (8 hours per day = 4 points total).

r. DA Form 1380 dated 15 August 2015, reflective of the applicant's performance of military duties for "points only" from 1-2 August 2015 (8 hours per day = 4 points total).

s. DA Form 1380 dated 15 September 2015, reflective of the applicant's performance of military duties for "points only" from 10-12 September 2015 (8 hours per day = 6 points total).

t. DA Form 1380 dated 15 October 2015, reflective of the applicant's performance of military duties for "points only" from 3-4 October 2015 (8 hours per day = 4 points total).

u. DA Form 1380 dated 15 November 2015, reflective of the applicant's performance of military duties for "points only" from 6-8 November 2015 (a total of 16 hours of duty was performed during this period, but the document reflects "2 points per day = 4 points total).

v. DA Form 1380 dated 15 December 2015, reflective of the applicant's performance of military duties for "points only" from 5-6 December 2015 (8 hours per day = 4 points total).

5. On 31 October 2023, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request noting that the applicant should be awarded a total of 88 retirement points.

6. On 3 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments.

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

- from 6 January 2014 – 5 January 2015 the applicant accrued 47 retirement points (27 Inactive Duty Training (IDT) points, 15 membership points, and 5 active-duty points)
- from 6 January 2015 – 5 January 2016 the applicant accrued 40 retirement points (11 IDT points, 15 membership points, and 14 active-duty points)

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official that the evidence provided by the applicant confirms she earned retirement points that were not added to her record. The Board determined the applicant’s retirement points should be corrected by adding the additional points she earned in 2014 and 2015.

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 updating her retirement points to reflect the additional points earned in 2014 and 2015 that are documented on the DA Forms 1380 she submitted in support of her application.

3/20/2024

X

CHAIRPERSON

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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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//