

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230004118

APPLICANT REQUESTS: retirement points for duty performed.

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)

FACTS:

1. The applicant states, in effect, he submitted his October 2022 DA Form 1380 for retirement points only to the U.S. Military Academy Reserve Affairs office in October 2022. He would like to have his October 2022 DA Form 1380 that he submitted credited for retirement points only. The credits should be made because he completed the work as an Individual Ready Reserve (IRR) Military Academy Liaison Officer for the U.S. Military Academy. The October 2022 DA Form 1380 was submitted on time, but the document needed minor corrections before signature which delayed the timely submission of the document.

2. The applicant's service record contains the following documents:

a. National Guard Bureau (NGB) Form 337 (Oaths of Office) shows the applicant completed the oath of office on 26 November 2002, in the rank/grade of second lieutenant (2LT)/O-1, in the New York Army National Guard (NYARNG).

b. NGB Form 22 (Report of Separation and Record of Service) shows the applicant was honorably transferred from the NYARNG to the IRR on 28 October 2006.

c. DA Form 71 (Oath of Office - Military Personnel), dated 12 August 2010, shows the applicant completed the oath of office and was appointed as a Reserve commissioned officer.

d. Orders Number C-11-016175, published by the U.S. Army Human Resources Command (AHRC), dated 5 November 2010, released the applicant from the U.S. Army

Reserve Control Group (Reinforcement) for appointment into a Troop Program Unit (TPU), effective 12 August 2010.

e. Orders Number C-12-018588, published by AHRC, dated 28 December 2010, released the applicant from the USAR Control Group (Reinforcement) and he was assigned to the Standby Reserve (Inactive List), effective 28 December 2010, due to no military service obligation election.

f. Orders Number C-03-303701, published by AHRC, dated 8 March 2013, voluntarily transferred the applicant from the USAR Control Group (Reinforcement) to a TPU unit, effective 8 March 2013.

g. DA Form 71 dated 23 April 2018, shows the applicant completed the oath of office as a Reserve commissioned officer.

h. NGB Form 337 dated 23 April 2018, shows the applicant completed the oath of office in the NYARNG.

i. Orders Number C-05-805532, published by AHRC, dated 7 May 2018, shows the applicant was assigned to the NYARNG, effective 23 April 2018.

j. NGB Form 22 shows the applicant entered the ARNG on 23 April 2018 and was honorably transferred to the USAR Control Group (IRR) on 30 September 2021.

k. Orders Number 0001439384.00, published by the NYARNG, dated 5 October 2021 transferred the applicant to the USAR IRR, effective 1 October 2021.

l. Special Orders Number IP-5719, published by NGB, dated 6 December 2021, transferred the applicant to the USAR, effective 30 September 2021 and withdrew his Federal recognition.

m. Orders Number C-11-213122, published by AHRC, dated 3 November 2022, voluntarily transferred the applicant from USAR Control Group (Reinforcement) and assigned him to 1st Battalion, USAR Careers Group, effective 22 October 2022.

n. DA Form 5016 (Chronological Statement of Retirement Points), dated 20 December 2023 does not show his retirement points for October 2022.

3. The applicant provides a DA Form 1380, dated 31 October 2022, which was signed by an officer having knowledge of duties performed. It shows he performed duty on:

- 6 October 2022, 4 hours (1 retirement point)
- 14 October 2022, 4 hours (1 retirement point)

- 26 October 2022, 4 hours (1 retirement point)
- 28 October 2022, 4 hours (1 retirement point)

4. On 28 August 2023, Headquarters, USAR Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion, which states USARC reviewed the applicant's documents and determined he should be awarded the retirement points. Full administrative relief granted.

5. On 30 August 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

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 applicant's contentions, the military record, and regulatory guidance. The Board considered the provided DA Form 1380's, dated 31 October 2022 and signed by an officer having knowledge of duties performed. After due consideration of the applicant's request, the Board the applicant met the burden proof of an error or injustice and a recommendation for relief is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented sufficient to warrant 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 following DA Form 1380's were submitted in a timely manner and processed with the retirement points being updated accordingly:

- 6 October 2022, 4 hours (1 retirement point)
- 14 October 2022, 4 hours (1 retirement point)
- 26 October 2022, 4 hours (1 retirement point)
- 28 October 2022, 4 hours (1 retirement point)

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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:

Army Regulation 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. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- RST other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- 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 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

c. Paragraph 3-3(b) provides that 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. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

//NOTHING FOLLOWS//