

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2024

DOCKET NUMBER: AR20230004766

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect duty he performed for points only on:

- 9 through 10 April 2022
- 13 through 15 May 2022
- 16 through 17 July 2022

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) for duty performed 9 through 10 April 2022
- DA Form 1380 for duty performed 13 through 15 May 2022
- DA Form 1380 for duty performed 16 through 17 July 2022
- Transmittal Letter History for Fiscal Year 2022

FACTS:

1. The applicant states in effect, he requests the correction of his DA Form 5016 to reflect duty he performed for points only during the periods of 9 through 10 April 2022, 13 through 15 May 2022 and 16 through 17 July 2022. Since he was not awarded these points, he did not obtain a sufficient number of points during his anniversary year of 15 March 2022 through 14 March 2023 for a good year and was unable to retire with a non-regular retirement. The sign-in roster records shows he performed duty for points only on these dates but are not reflected on his DA Form 5016.

2. A review of the applicant's service record shows:

a. With prior Regular Army and Army National Guard (ARNG) service, the applicant executed his oath of office and was appointed in the ARNG on 30 July 2011 in the rank of warrant officer one (WO1).

b. On 18 April 2012, Orders Number 109-072, issued by the Commonwealth of [REDACTED], the applicant was ordered to active duty for training, effective

8 July 2012.

c. The applicant was honorably released from active duty on 22 September 2012. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 2-months and 15-days of active service.

d. On 13 November 2015, the applicant was honorably released from the ARNG and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement). National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant completed 4-years, 3-months and 14-days of service.

e. On 13 May 2016, Orders Number C-05-606245, issued by the U.S. Army Human Resources Command (HRC), the applicant was assigned to a USAR Troop Program Unit, effective 13 May 2016.

f. On 7 November 2017, Orders Number UQ-311-0001, issued by Headquarters (HQs), Military Intelligence Readiness Command, the applicant was ordered to active duty in support of Operation Inherent Resolve, effective 30 December 2017.

g. The applicant was honorably released from active duty on 26 November 2018. DD Form 214 shows the applicant completed 10-months and 27-days of active service.

h. DA Form 5016 shows during the anniversary year 15 March 2022 through 14 March 2023 the applicant obtained 18 inactive duty points, 15 membership points, 13 active duty points for a total of 46 creditable points.

i. On 11 August 2023, Orders Number 5671725, issued by the Department of the Army, the applicant was assigned to the USAR Control Group (Reinforcement), effective 1 September 2023.

j. On 3 November 2023, Orders Number C-11-303299, issued by HRC, the applicant was assigned to the USAR Control Group (Reinforcement), effective 3 November 2023.

3. The applicant provides:

a. DA Form 1380 dated 15 April 2023 shows the applicant performed 8-hours of duty on 9 and 10 April 2022, the duties included supporting and participating in scheduled battle assembly activities. The DA Form 1380 was signed by the Battalion Executive Officer on 16 April 2023.

b. DA Form 1380 dated 16 April 2023 shows the applicant performed 8-hours of duty on 13 through 15 May 2022, the duties included supporting and participating in

scheduled battle assembly activities. The DA Form 1380 was signed by the Battalion Executive Officer on 16 April 2023.

c. DA Form 1380 dated 16 April 2023 shows the applicant performed 8-hours of duty on 16 and 17 July 2022, the duties included supporting and participating in scheduled battle assembly activities. The DA Form 1380 was signed by the Battalion Executive Officer on 16 April 2023.

d. Transmittal Letter for Fiscal Year 2022 shows the pay/non-pay code as "N" for both unit training assembly periods for the following dates:

- 9 through 10 April 2022
- 13 through 15 May 2022
- 16 through 17 July 2022

4. On 29 September 2023, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded points only for duty performed in 2022. The advisory official stated after review of the applicant and supporting documentation the applicant should be awarded 14 retirement points.

5. On 3 October 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. 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 the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and Headquarters, U.S. Army Reserve Command – Soldier Programs Branch advisory opinion, the Board concurred with the advising official finding sufficient evidence to support the applicant should be awarded 14 retirement points. As such, the Board granted relief to award his retirement points.

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 to show the applicant submitted his DA Form 1380's in a timely manner to Human Resources Command for the periods 9 through 10 April 2022, 13 through 15 May 2022 and 16 through 17 July 2022 totaling 14 retirement points.

2/22/2024

**X** █

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CHAIRPERSON  
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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.

REFERENCES:

1. Army Regulation (AR) 140-1 (Mission, Organization, and Training), in effect at the time, provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). It does not contain guidance on preparation for order to active duty under a mobilization situation. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within

60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, or Additional Training Assemblies
- Two-hour rule; Soldiers earn one point for each IDT period per day for funeral honors duty with a maximum of one point per calendar day
- Four/eight-hour rule; Soldiers earn one point for each 4 hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8 hours for a maximum of two points in 1 calendar day

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

3. Department of Defense Instructions 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is

entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours.

//NOTHING FOLLOWS//