

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230004981

APPLICANT REQUESTS: in effect, correction of her record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) were accepted and added to her record, for the periods: 30 December 2021, 31 January, 28 February, 25 March, and 1 September 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 30 December 2021, 31 January, 28 February, 25 March, and 1 September 2022
- Applicant's Memorandum - Subject: Letter of Lateness for Points Only Submissions for December 2021 - March 2022, Original Submission March 2022, 4 April 2023

FACTS:

1. The applicant states:

a. She is a Troop Program Unit Aviation Company Commander from September 2021 to present. She is writing to have her retirement points added to her record. This is her 3rd command, more than 5 years in command, but she has not asked for points prior to Fiscal Year 2022 (FY22) because the senior command's uncompensated work expectation was more balanced prior to the 1st Battalion, 158th Aviation Regiment.

b. She submitted the attached points to her "ARA" J_ R_, but she never submitted them. She may have accidentally forgotten them. Now she is not sure how to submit after the fact, and the Reserve Points Only team asked the applicant to contact the Army Review Boards Agency about having them added to her record.

c. These points should be added because she completed the work without a consistent full time first sergeant. Since September 2021, she has managed 138 assigned personnel, and 40 percent of the time she has had no fulltime representative to filter or support day to day matters and has had to work every day often at length on leave from her civilian work to support. In exchange for this substantial daily

commitment (it more than three times exceeds her previous unsupported company command requirements throughout the month) she has asked for retirement compensation. She currently has 55 of the authorized 130 Inactive Duty points for FY22, and 48 of these are for "BA" [battle assembly] participation.

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

a. Having prior commissioned officer service in the Army National Guard (ARNG), her NGB Form 22 (Report of Separation and Record of Service) shows she was released from the District of Columbia ARNG and transferred to the U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve) to accept appointment as a commissioned officer in the USAR on 31 July 2021.

b. Orders Number C-08-109203 published by the U.S. Army Human Resources Command released the applicant from the USAR Control Group (Reinforcement) and assigned her to her USAR unit in Colorado Springs, CO, effective 17 August 2021.

c. DA Form 5016 (Retirement Accounting Statement) dated 30 August 2023, shows the applicant's total career retirement points earned as 74 Inactive Duty Training (IDT) points, 22 membership points, 4 active duty points, 1 year qualifying for retirement, 100 points earned, and 100 points creditable. It also shows in pertinent part, she earned the following retirement points during the periods:

- 31 July 2021 to 11 January 2022 – 18 IDT points, 7 membership points, 25 points earned, and 25 points creditable
- 1 August 2022 to 13 November 2022 – 24 IDT points, 4 membership points, 4 active duty points, 3 months and 13 days qualifying for retirement, 32 points earned, and 32 points creditable

d. DA Form 5016 (Chronological Statement of Retirement Points), dated 20 January 2024, shows in pertinent part:

(1) The applicant earned the following retirement points during the period of 31 July 2021 to 11 January 2022 – 18 IDT points, 7 membership points, 5 months and 12 days qualifying for retirement, and 25 total points creditable.

(2) A total of 18 IDT points, 7 membership points, 5 months and 12 days qualifying for retirement, and 25 points creditable.

3. In support of her case, the applicant provides:

a. DA Forms 1380 dated 30 December 2021, 31 January, 28 February, 25 March, and 1 September 2022, which show the following:

- 2 December 2021 – 4 hours, N1 (non-paid), Alexandria, Virginia - Company Command Support (Below dates include a couple of COVID packet meetings and requirements since December BA was rescheduled in January-February 2022); totaling: 1 point
- 7, 9, 13, 14, 16, 20, 21, 28 and 29 December 2021 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Battalion BA Training Meeting, Company Training Meeting; totaling: 9 points
- 4 January 2022 – 4 hours, N1 (non-paid), Alexandria, Virginia - Company Command Support (Below dates include a couple of COVID packet meetings to meet January 31 submission deadline, "COC [change of command] FLIPL, COC Evals, etc"); totaling: 1 point
- 6, 11, 12, 14, 18, 19, 24, 25 and 27 January 2022 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Battalion BA Training Meeting, Company Training Meeting; totaling: 9 points
- 31 January 2022 – 4 hours, N1 (non-paid), Alexandria, Virginia - Company Command Support (Below dates include more COVID packet follow up, time sensitive medical board support for Soldier while she was on vacation. etc.); totaling: 1 point
- 1, 3, 8 and 10 February 2022 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Battalion BA Training Meeting, Command Support, Company Command Supporting; totaling: 4 points
- 16 and 17 February 2022 – "8 hours each day, N1 (nonpaid)," Houston, TX - Company Command Support, Battalion BA Training Meeting, Company Command Support including extensive BA prep; totaling: what should be 4 points
- 18, 22, 24 and 28 February 2022 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Company Training Meeting; totaling: 4 points
- 2 March 2022 – 4 hours, N1 (nonpaid), Alexandria, Virginia - Company Command Support (Below dates include "ECT" move and orders coordination, time sensitive medical board support for Soldiers. etc); totaling: 1 point
- 3, 7, 8, 10, 14, 16, 17, 18 and 20 March 2022 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Battalion BA Training Meeting, Company Training Meeting, Company Command Support includes day travel to San Antonio for shot Soldier in hospital; totaling: 9 points
- 3, 9, 13, 17, 20, 24, 27 and 31 May 2022 – 4 hours each day, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Pre-BA Leaders Call; totaling: 8 points

- 3 and 7 June 2022 – 8 hours each day, N2 (nonpaid), Alexandria, Virginia - Company Command Support, COC Prep, Family Day Prep; totaling: 4 points
- 8 June 2022 – 4 hours, N1 (nonpaid), Alexandria, Virginia - Company Command Support, Pre-BA Commanders Call; totaling: 1 point

b. A self-written Memorandum - Subject: Letter of Lateness for Points Only Submissions for December 2021 - March 2022, Original Submission March 2022, dated 4 April 2023, wherein she states, the letter is submitted in reference to her retirement points only submissions for December 2021 - March 2022. The combination of corrections, her "ARA" taking training leave for a 2-month course and receiving signature back from her approving official with both he and the applicant being in a TPU status caused her to not be able to have these points only requests properly signed and submitted to her ARA within 30 days. They are currently making every effort to submit DA Forms 1380 within 30 days of completion to mitigate lateness going forward. She appreciates the 99th Readiness Division Group G-1 Points Only Team's consideration for processing her submission.

4. On 18 October 2023, Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and stated, USARC reviewed the applicant's documents and determined she should be awarded forty-three (43) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The DA Form 1380 dated 28 February 2022 was improperly completed. USARC recommends the applicant submit a corrected DA Form 1380 in order to receive the points. Partial administrative relief granted.

5. On 19 October 2023, the applicant was provided a copy of the USARC advisory opinion to allow for comments and/or rebuttal. She did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board reviewed and concurred with the U.S. Army Reserve Command's advisory awarding 43 points for the periods 30 December 2021, 31 January 2022, 25 March 2022, and 1 September 2022. The DA Form 1380, dated 28 February 2022, was improperly completed. Therefore, the Board determined that partial relief was warranted.

REFERENCES:

1. Army Regulation (AR) 140-1 (Mission, Organization, and Training) states in paragraph 3-26 (Training of Soldiers in a non-pay status), Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are approved for:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points. Paragraph 3-3b (DA Form 1380) states, nonpaid DA Forms 1380 will not be entered into automated drill attendance reporting software and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//