

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230005275

APPLICANT REQUESTS: nonpaid retirement points credit for U.S. Army Reserve duty performed in June 2021, September 2021, and April 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Army Reserve – Record of Individual Performance of Reserve Duty Training) for June 2021, September 2021, and April 2022
- Letter of Lateness

FACTS:

1. The applicant states he requests retirement points correction for 17 June 2021, 30 June 2021, 11 September 2021, 07 April 2022, 15 April 2022, 18 April 2022, 19 April 2022, 20 April 2022, 21 April 2022, 26 April 2022, 27 April 2022, and 28 April 2022 (12 Retirement Points). All Battle Assemblies (BA) were in support of his U.S. Army Reserve (USAR) FTS Program Center Fort Belvoir, VA. For the dates 17 June 2021, 30 June 2021 and 11 September 2021, the DA Forms 1380's were completed but not submitted within the 90 days required to get credit for the BAs. A letter of lateness was then signed approving the retirement points. For the April 2022 BAs, the DA Forms 1380 were promptly approved and signed by Detachment leader. He has sent multiple emails to the Human Resources Command without resolution before he retired and two additional emails since he retired. He was advised that his next step is to write the Board. All BA duties were performed and properly approved by his Detachment leadership. DA Forms 1380 were properly submitted and are on file in iPERMS. He just has not received retirement point credit for the BAs performed.

2. Review of the applicant's service records shows:

a. He was born in December 1966 and will turn 60 in December 2026.

b. Having had prior U.S. Army Reserve (USAR) and Army National Guard (ARNG) enlisted service, he was appointed as an ARNG commissioned officer on 26 July 1992.

c. He was discharged from the ARNG on 13 August 1997 and transferred to the USAR. He served in a variety of USAR assignments and attained the rank of lieutenant colonel.

d. On 11 January 2007, the U.S. Army Human Resources Command issued him a Notification of Eligibility for Retired Pay at Age 60 (20-Year Letter)

e. On 8 February 2022, he was issued orders transferred him to the Retired Reserve effective 1 August 2022. His DA Form 5016 (Chronological Statement of Retirement Points) shows he completed 35 years, 8 months, and 24 days of qualifying service for non-regular retirement. A breakdown of his points is as follows:

- 2020-11-08 to 2021-11-07, 45 points inactive duty, 15 points membership, total 60 points
- 2021-11-08 to 2022-07-31, 65 points inactive duty, 11 points membership, 14 points active duty, total 90 retirement points
- 2022-080-01 to 2022-08-02, Retired Reserve

3. He provides three (3) DA Forms 1390, and a letter of lateness as follows:

a. DA Form 1380 dated 4 December 2021, points only, for duties performed on 17 June and on 30 June 2021. It is unclear when this form was signed or when it was submitted.

b. DA Form 1380 dated 4 December 2021, points only, for duties performed on 11 September 2021. It is unclear when this form was signed or when it was submitted.

c. DA Form 1380 dated 29 April 2022, points only, for duties performed on 7, 15, 18, 19, 20, 21, 26, 27, and 28 April 2022. This form was signed on 7 May 2022. It is unclear when it was submitted.

d. A letter of lateness, dated 6 December 2021, address from the Detachment Chief to the U.S. Army Human Resources Command requesting the applicant be granted retirement points for his participation in staff and administrative duties in support of IMA activities for 17 and 30 June 2021 and 11 September 2021.

4. On 13 September 2023, the U.S. Army Human Resources Command (HRC) provided an advisory opinion in the processing of the applicant's case. An HRC advisory official stated this memorandum is in response to the Army Review Boards Agency's request dated 24 August 2023 on behalf of the applicant's request nonpaid retirement points for duty performed in June 2021, September 2021, April 2022, and May 2022:

a. HRC reviewed the application and requested administrative relief. Army Regulation (AR) 140-185, para 3- 3, Training and Retirement Point Credits and Unit Level Strength Accounting Records, requires that nonpaid DA Form 1380s be forwarded to AHRC for the award of retirement points no later than the end of each duty month. The DA Forms 1380 for June and Sept 2021 were submitted to HRC in March 2022. The DA Forms 1380 for April and May 2022 were submitted to HRC in July 2022.

b. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. This office cannot award nonpaid retirement points without direction from the Army Review Boards Agency.

5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a response/rebuttal. He did not respond.

**BOARD DISCUSSION:**

The Board carefully considered the applicant's request, supporting documents, evidence in the records, the applicant's statements, and an advisory opinion. The Board weighed the totality of the evidence and determined there was sufficient evidence to justify granting the requested relief.

**BOARD VOTE:**

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
■	■	■	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 making the following records corrections concerning the applicants DD Forms 1380 (Army Reserve - Record of Individual Performance of Reserve Duty Training):

a. correct the record to shows the applicant's DD Forms 1380 were properly prepared, dated, and forwarded to HRC no later than the end of each duty month, (30 June 2021, 30 September 2021, 30 April 2022).

b. correct the record to show the applicant's DD Forms 1380 were received by HRC no later than the end of each duty month, (30 June 2021, 30 September 2021, 30 April 2022), and the applicant was awarded nonpaid retirement points credit for U.S. Army Reserve duty performed in June 2021, September 2021, and April 2022, as follows -

- 17 June 2021 - N1
- 30 June 2021 - N1
- 11 September 2021 -N1
- 07 April 2022 -N1
- 15 April 2022 -N1
- 18 April 2022 -N1
- 19 April 2022 -N1
- 20 April 2022 -N1
- 21 April 2022 -N1
- 26 April 2022 -N1
- 27 April 2022 -N1
- 28 April 2022 -N1

c. HRC providing the applicant with an updated DA Form 5016 (Chronological Statement of Retirement Points) reflecting the updated points.

[Redacted]

[Redacted]

[Redacted]

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 135-180 (Retirement for Non-Regular Service) prescribes policies and procedures governing non-regular retirement. After 30 June 1949, a Reservist must earn a minimum of 50 retirement points each retirement year to have that year credited as qualifying service. Only Soldiers assigned to an active status in a RC or individuals in active Federal service are authorized to earn retirement point credits. When a person is in an active status for a period less than a full retirement year, a minimum number of retirement points are required to be earned to have that period credited as qualifying service.

2. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Record) sets responsibilities and procedures to retirement records prescribing the types of training and activities for which retirement points are authorized. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per DODI 1215.07 and changing the anniversary year ending date are as follows:

a. Paragraph 3-3(a) states the purpose of the DA Form 1380 is to record IDT by:

(1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPUs, ARNG units, or to another Service or component for training per AR 140-10. Only attached Soldiers are authorized to perform IDT except for one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in table 2-3.

d. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled BA. 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 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. DA Form 1380 will be scanned into the Soldier's iPERMS by the unit of assignment per AR 600-8-104.

//NOTHING FOLLOWS//