

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 October 2024

DOCKET NUMBER: AR20230005285

APPLICANT REQUESTS: In effect, the acceptance of twenty DA Forms 1380 (Army Reserve – Record of Individual Performance of Reserve Duty Training) so they can be converted to retirement points and credited on his DA Form 5016 (Retirement Accounting Statement).

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

- DD Form 149 (Application for Correction of Military Record)
- Twenty DA Forms 1380

FACTS:

1. The applicant states, while drilling for points only as a 100 percent disabled Veteran in receipt of Department of Veterans Affairs (VA) disability benefits, his previous unit failed to submit his twenty DA Forms 1380 through proper channels.

a. The applicant filed a Congressional inquiry, and the documents, along with a letter of lateness, were added to his iPERMS (Interactive Personnel Electronic Records Management System). After this, he emailed the 81st Readiness Division (RD) and waited months for a reply; the 81st RD simply told him nothing could be done to update his DA Form 5016. As of the date of his application, his DA Form 5016 only shows 16 years of qualifying service for a non-regular retirement when it should reflect 19 years, and he will be requesting transfer to the Retired Reserve in December 2023.

b. The reason his original DA Forms 1380 were not completed and submitted was due to the incompetence of a unit Human Resources (HR) noncommissioned officer (NCO). Once he pointed out the mistakes, his unit retaliated against him and ignored him for more than a year; the unit acted on the DA Forms 1380 only after he submitted his Congressional inquiry. Despite his efforts to work with his unit and the 81st RD, he only gets excuses saying IPPS-A has screwed things up. (The Integrated Personnel and Pay System – Army (IPPS-A) is a newly implemented online HR system that is intended to streamline HR processes and improve the efficiency of personnel and pay procedures.)

2. The applicant provides twenty DA Forms 1380 with training dates between August 2020 and May 2023, which accumulate to 61 additional retirement points; (including one medical appointment coded "LHI").

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

a. On 8 December 2003, the applicant enlisted into the U.S. Army Reserve (USAR) for 8 years; through immediate reenlistments, he continued his USAR service and, effective 4 January 2024, the USAR promoted him to sergeant first class (SFC)/E-7.

b. On 18 July 2024, a physical evaluation board (PEB) determined the applicant was physically unfit for continued military service, due to post-traumatic stress disorder (PTSD) and recommended permanent disability retirement with a 100 percent disability rating. On 19 July 2024, the applicant concurred with the PEB's findings and recommendations and waived his right to a formal hearing.

c. Effective 22 August 2024, the Army honorably retired the applicant and placed him on the Permanent Disability Retired List. A DA Form 5016 dated 13 September 2024 credits him with completing 17 years of qualifying year of USAR service towards a non-regular retirement.

4. On 7 October 2024, an official with the 81st RD reviewed all of the DA Forms 1380 submitted by the applicant and advised that all but the following had already been credited on the applicant's DA Form 5016:

- 17 August 2020 – 8 hours
- 14, 15, and 16 September 2020 – 8 hours each day (total 24 hours)
- 16 October and 17 November 2021 – 8 hours each day (total 16 hours)
- 5 and 6 March 2022 – 8 hours each day (total 16 hours)
- 14 April 2022 – two periods 4 hours each (total 8 hours)
- 27 May 2022 – 4 hours for a medical "LH1" appointment
- 21 and 22 January 2023 – 8 hours each day (total 16 hours)
- 11 and 12 February 2023 – 8 hours each day (total 16 hours)
- 18 and 19 March 2023 – 8 hours each day (total 16 hours)
- 20, 21, 22, 23, 24, 25, and 26 May 2023 – 8 hours each day (total 56 hours)

5. On 9 October 2024, the U.S. Army Reserve Command (USARC) provided an advisory opinion regarding the above-cited DA Forms 1380.

a. USARC recommended partial relief, noting that all but one of the DA Forms 1380 met the requirements of Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records); the acceptable forms equated to 40 retirement points.

b. The DA Form 1380, dated 27 May 2022 and showing 4 hours for a medical "LH1" appointment, was not acceptable because (per AR 140-185, paragraph 2-4g (Criteria for Awarding Retirement Points – Additional Assemblies for Nuclear Training), Soldiers are limited to two health-related points per year. USARC added that, normally, units pay Soldiers for "LH1" appointments, and if the applicant was not paid, it would mean he had already reached the maximum of two.

6. On 9 October 2024, the Army Review Boards Agency forwarded a copy of the USARC advisory opinion for the applicant's review and the opportunity to submit additional comments and/or evidence.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted.
2. The Board carefully considered the applicant's contentions, the evidence he submitted, his military record and the applicable regulatory guidance. The Board considered the US Army Reserve Command Advisory Opinion and the hours and dates of those considered acceptable. Based on a preponderance of evidence, the Board determined that the DA Forms 1380 submitted by the applicant, less the form dated 27 May 2022 pertaining to a medical "LH1" appointment, were valid and that the applicant's record be corrected to reflect a total of 70 additional points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

   GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records and Army National Guard records of the individual concerned be corrected by showing the applicant provided DA Forms 1380, less one, were timely submitted and accepted by the appropriate authority and that an additional 70 additional points were added to his DA Form 5016 dated 13 September 2024.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to including points for the DA Form 1380, dated 27 May 2022 showing 4 hours for a medical "LH1" appointment.

4/28/2025

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. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, included policies and procedures for awarding retirement points toward a non-regular retirement.
 - a. Paragraph 2-4 (Criteria for Awarding Retirement Points) states:
 - (1) Personnel on active duty, ADT (active duty for training), IADT (initial active duty for training), involuntary ADT, or AT (annual training) are awarded one 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.
 - (2) Table 2-3 (Award of Inactive Duty Training Retirement Points) provides criteria for award of retirement points for IDT (inactive duty training) performed. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. A maximum of two retirement points may be credited for attendance at unit BA or IDT in any 1 calendar day.
 - (a) Readiness management assembly. Soldiers may not perform more than one readiness management assembly (RMA) per calendar day, or more than 24 RMAs per fiscal year.
 - (b) Additional assemblies for nuclear training. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4 hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening.
 - (c) 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. Maximum of two points in 1 calendar day.
2. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary). The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//