

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20230005485

APPLICANT REQUESTS: in effect, reallocation of reserve retirement points to show a good year for retirement due to her retirement year ending (RYE) date change.

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

- DD Forms 149 (Application for Correction of Military Record), 3 May 2023 and 3 July 2023
- Statement to Board
- Documents entitled "The Good Times", 31 December 2015 and 5 January 2016
- DA Form 5016 (Chronological Statement of Retirement Points), 9 November 2021
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 11 February 2023
- U.S. Army Human Resources Command (AHRC) Email, 5 April 2023
- DA Form 5016 (Retirement Accounting Statement), 5 April 2023
- DA Form 5016 (Chronological Statement of Retirement Points), 25 June 2023

FACTS:

1. The applicant states:

a. She joined the Army in 1991 and was discharged in 2003. She re-joined the Army in January 2014 and was advised by AHRC her RYE date was 31 August. She planned all her annual training and service around this date to ensure she received her good year (50 points) by that date.

b. On 5 April 2023, she was advised by AHRC that the RYE date provided in 2014 was incorrect. After the recalculations, her new DA Form 5016 shows she had two bad years, failing to reach 50 points. If the new RYE is accurate, she would like to request points from previous years be allocated to those two years showing bad years. She has maintained dedicated service for 20 years, fulfilling her obligation based on the 31 August RYE date as detailed on her 2021 DA Form 5016.

c. She is not familiar enough on how AHRC established her original date of 31 August. In 2015, she recalls questioning the date because she had assumed her RYE date would be the date she re-joined in January 2014. AHRC provided the attached calculations sheets to explain how they determined the 31 August RYE.

d. Honestly, she still did not understand but relied on their expertise and knowledge on the process. She would like to confirm the new RYE is 28 January, and if so reallocate points received in previous years to correct the mistake so she has good years for 2017-2018 and 2020-2021.

e. Her anniversary year ending (AYE, previously RYE) date was changed by AHRC in 2023 when she had 20 years of U.S. Army Reserve (USAR) service based off an AYE of 31 August. She ensured she completed her service and received 50 points prior to the 31 August AYE. Suddenly changing her AYE in her 20th year removed two years of good service. Points need to be reallocated to correct the error and reinstate her 20 years.

f. When she reenlisted in 2014, she already had 11 good years of USAR service. AHRC advised her, at the time, that her AYE was 31 August as detailed on the attachment. Using that date, she met her 50 points giving her an additional 9 years of good years. In April 2023, AHRC advised her her AYE was wrong and changed it to 28 January, removing two years off her service. This was an administrative error. She relied on AHRC to provide the proper AYE since this is not her area of expertise and she does not have the authority to apply AYE's.

g. She requests the following corrections to her DA Form 5016:

- Remove the break between her enlisted service to her warrant officer service
- From 18 January 2014 through 28 January 2018, enlisted service, add 63 to 21 for 84 points
- From 29 January 2018 through 28 January 2019, warrant officer service, acknowledges the change to warrant officer, this returns her one year service
- Subtract seven points from 29 January 2019- 28 January 2020 (74 points to 67 points)
- Add the 7 points to 29 January 2020- 28 January 2021 (43 points to 50 points) this will return her good year
- Combine 29 January 2022- 13 November 2022 with 14 November 2022- 28 January 2023. There should not be a break. This would give her 20 good years

2. The applicant provides the following documents:

a. DA Form 5016 (Chronological Statement of Retirement Points),

9 November 2021, shows her retirement year was from 1 September through 31 August. She had enlisted service in the USAR from 28 September 1991 through 1 July 2003. She had a break in service from 2 July 2003 through 28 January 2014. She had enlisted service in the USAR from 31 August 2014 through 29 January 2014 and warrant officer service in the USAR from 1 September 2017 through 31 August 2021. On 9 November 2021, she had 17 years, 7 months, and 3 days qualifying service for retirement.

b. Email from AHRC, 5 April 2023, shows AHRC updated the applicant's retirement points in the The Integrated Personnel and Pay System – Army (IPPS-A). Her AYE after her break in service was incorrect so AHRC had to rebuild her record, which caused the total creditable years to change as well. Year 2002-2003 shows no points earned. If she earned any points, she could submit her Master Military Pay Account for those two years and AHRC would review them. Year 2020 through 2021 also is not a good year.

c. DA Form 5016 (Retirement Accounting Statement), 5 April 2023, shows from 28 September 2002 through 1 July 2003 she received 11 membership points, but did not receive a qualifying year for retirement. After her break in service her AYE was changed to 29 January through 28 January. From 29 January 2020 through 28 January 2021 she received 16 inactive duty points, 15 membership points, 12 active duty points for a total of 43 points for the year, she did not receive a qualifying year for retirement. As of 5 April 2023, she had 18 qualifying years for retirement.

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

a. DD Forms 4 (Enlistment Document Armed Forces of the United States) shows she enlisted in the USAR on 28 September 1991 and reenlisted on 27 September 1997.

b. Orders 02-273-00003, published by Headquarters, 81st Regional Support Command, 30 September 2002, shows she was transferred from her USAR unit to USAR Control Group (Reinforcement) effective 16 September 2002.

c. Orders D-07-324381, published by USAR Personnel Command, 1 July 2003, honorably discharged her from the USAR effective 1 July 2003.

d. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the USAR on 29 January 2014.

e. Memorandum from U.S. Army Installation Management Command, 23 September 2017 appointed her as a Reserve warrant officer.

f. DA Form 71 (Oath of Office - Military Personnel) shows she took the oath of office as a Reserve warrant officer on 23 September 2017.

g. Orders 312-0516, published by U.S. Army Management Command, 8 November 2017 honorably discharged her as an enlisted member of the USAR effective 22 September 2017 for the purpose of accepting appointment as a warrant officer.

h. Memorandum notification of eligibility for retired pay at non-regular retirement (20 year letter), 25 May 2024 notified her she had completed the required years of USAR service and was eligible for retired pay, upon application, at age 60.

i. DA Form 5016 (Chronological Statement of Retirement Points), 29 October 2024, shows:

(1) From 28 September 1991 through 1 July 2023, she was an enlisted member of the USAR. During that timeframe, she received 11 years qualifying for retirement. From 28 September 2002 through 1 July 2003, she received 11 membership points.

(2) She had a break in service from 2 July 2003 through 28 January 2014.

(3) From 29 January 2014 through 31 August 2014, she was enlisted in the USAR. From 29 January 2014 through 31 August 2014, she received 30 inactive duty points, 9 membership points, and 16 active duty points for a total of 55 points. For that time period she received 7 months and 3 days qualifying for retirement.

(4) From 29 January 2014 through 31 August 2017 she was an enlisted member of the USAR. During that timeframe, she received 3 years qualifying for retirement.

(5) From 1 September 2017 through 31 August 2022, she was a warrant officer of the USAR. During that timeframe, she received 4 qualifying years for retirement. The document does not show her duty beyond 31 August 2022. At that time, she had 19 years, 7 months, and 3 days qualifying years for retirement.

4. On 2 November 2023, the Chief, Soldier Programs Branch, USAR Command (USARC) provided an advisory opinion which states, USARC reviewed the applicant's documents and determined she should not be awarded any points. Points cannot be reallocated to years when they were not performed. In regards to her incorrect AYE date, she needs to submit a Personnel Action Request in IPPS-A to AHRC.

5. On 3 November 2023, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She did not respond.

6. On 2 April 2024, the Chief, Personnel Services Division, AHRC, provided an advisory opinion, which states:

a. AHRC reviewed the application. In accordance with Army Regulation 140-185, (Training and Retirement Points Credits and Unit Level Strength Account Records), paragraph 1-8a, the anniversary date is the date the servicemember enters an active service or active status in a Reserve Component. The anniversary year periods listed on the DA Form 5016 are calculated from an anniversary date. The month and day for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service the revised AYE start date shall be the date of return or reentry.

b. The applicant initially entered an active status on 28 September 1991 establishing a AYE as 27 September. She had a break in service from 2 July 2003 through 28 January 2014 and reentered the military on 29 January 2014 establishing the new AYE as 28 January. The DA Form 5016 record of the applicant was reviewed and corrected in accordance with Army Regulation 140-185 on 5 April 2023. The correction resulted in a correction to the AYE and a shift in retirement points, which resulted in the loss of one creditable year of service (29 January 2020 through 28 January 2021). AHRC cannot adjust the retirement points without direction from the Board.

7. On 10 April 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. 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 relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed the U.S. Army Human Resources Command (HRC) advising official and determined the applicant entered an active status on 28 September 1991, establishing her AYE as 27 September. She incurred a break in service from 2 July 2003 to 28 January 2014 and reentered the military on 29 January 2014m establishing a new AYE as 28 January. A shift based on the correction of the AYE caused a loss of a creditable year of service, 29 January 2020 to 28 January 2021. Therefore, the Board concluded that, at no fault of the applicant, her points were recalculated and disbursed to different anniversary year ending dates and therefore determined relief was appropriate in redistributing her retirement points to show she earned at least 50 retirement points per year.

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 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 awarding the applicant qualifying retirement points from a retirement year where she earned in excess of 50 retirement points into the retirement year where she earned less than 50 retirement points.

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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 Points Credits and Unit Level Strength Account Records), contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. It states:

a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the servicemember entered into active service or active status in a Reserve Component.

b. The month and date for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry.

c. A qualifying year of service for non-regular retired pay is a full year during which the Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

//NOTHING FOLLOWS//