

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 March 2024

DOCKET NUMBER: AR20230005516

APPLICANT REQUESTS: correction of retirement points for Retirement Year Ending (RYE) 22 January 2020. A personal appearance before the Board.

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), 16 June 2021
- Online Training Transcript
- Email communication

FACTS:

1. The applicant states in pertinent part that he completed Electronic Based Distributed Learning (EBDL) during the COVID standdown. He contests that the qualifying service was performed in 2020 however, the points were awarded in 2021 resulting in failing to obtain the minimum required points to receive a "good year" in 2020. He adds that the DA Forms 1380 were submitted late because of in-processing issues facilitated by the COVID restrictions.

2. A review of the applicant's available service records reflects the following:

- a. On 23 January 2002, the applicant enlisted in the Army National Guard (ARNG).
- b. On 26 April 2013, the [REDACTED] ARNG issued Orders Number 116-004 discharging the applicant from the ARNG and transferring him into the U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve), effective 26 April 2013.
- c. On 21 April 2014, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-04-405345 reassigning the applicant to an Individual Mobilization Augmentee (IMA) position with the Special Operations Command (SOCOM), effective 21 April 2014.
- d. On 22 July 2014, the applicant reenlisted in the USAR indefinitely.

e. On 24 March 2020, AHRC issued Orders Number C-03-003678 reassigning the applicant to the USAR Element SOCOM, effective 18 March 2020.

3. The applicant provides the following a:

a. DA Form 1380 dated 16 June 2021, reflective of the applicant's performance of appropriate training (remote training) on the following dates for pay and or points only:

- March 2020; 30–31 March for pay (8 hours per day) = 4 points
- May 2020; 7-8, 11, 13-14, 17 for pay and 18 May for points only (8 hours per day) = 14 points

The above document is void of an Officer's signature within item 11 (Signature of Officer).

b. DA Form 1380 dated 16 June 2021, reflective of the applicant's performance of appropriate training (remote training) on the following dates for pay:

- May 2020; 18-25 May for pay (8 hours per day) = 14 points; 18 May is also listed on the previous document therefore it is not included in the points computation
- June 2020; 2-4 June (void of pay or points only code or amount of duty hours performed)

The above document is void of an Officer's signature within item 11.

c. Online Training Transcript reflective of the applicant's completion of EBDL between December 2007 and June 2020. Review of this document reflects evidence of the applicant passing EBDL courses in the month of May and June 2020.

d. Email communication reflective of the applicant's communication with his unit concerning the processing of his submitted DA Forms 1380. The applicant was advised that the DA Forms 1380 were applied in 2021. The applicant contests that the qualifying service performed was applied to RYE in 2022 rather than 2021 resulting in his receipt of a bad year 2020 and 2021. These documents are provided in their entirety for the Boards review within the supporting documents.

4. On 21 November 2023, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending disapproval of the applicant's request because the documents were improperly completed and lacked the appropriate signature.

5. On 27 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 27 February 2024, the applicant has not responded.

6. A review of the applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points) dated 27 February 2024, contains the following information:

RYE January 2020 (period of 23 January 2019 – 22 January 2020)

- 15 points total (15 Membership points)

RYE January 2021 (period of 23 January 2020 – 22 January 2021)

- 17 points total (2 Inactive Duty Training (IDT) points and 15 Membership points)

RYE January 2022 (period of 23 January 2021 – 22 January 2022)

- 93 points total (66 IDT points, 15 Membership and 12 Active-Duty Training points)

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 US. Army Reserve Command – Soldiers Programs Branch advisory opinion, the Board concurred with the advising official finding the applicant should not be awarded the requested retirement points for Retirement Year Ending (RYE) 22 January 2020 due to incorrect preparation and no signature from his command on his submitted DA Form 1380. The Board determined there is insufficient evidence to support correction of the applicant's retirement points for RYE 2020 based on regulatory guidance and the advising official opine. Therefore, relief was denied.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

3/19/2024

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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) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points.

a. Paragraph 2–2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve

status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes UTA, and MUTA
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

b. Paragraph 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1). These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive)).

c. Paragraph 2-4 (Criteria for Awarding Retirement Points) states, personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. Nonpaid 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.

e. Paragraph 3-3b, states a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only.

f. Paragraph 3-4 (Electronic Based Distance Learning) provides that Soldiers may only receive compensation and retirement credit for EBDL courses listed in ATRRS after command pre-approval. Periods of duty used to complete EBDL courses in lieu of regularly scheduled IDT periods will not exceed four periods per fiscal year. Commanders will ensure that coursework authorized for additional training periods for EBDL is not completed during any other type of training or duty periods. Each 4 hours of successfully completed qualifying EBDL coursework in lieu of regularly scheduled IDT periods will earn a Soldier credit for completion of one additional training period, paid, and one Reserve retirement point. All EBDL courses list academic hours in ATRRS, which should be used to calculate compensation. Soldiers are awarded the academic hours listed in ATRRS regardless of the time actually required by the Soldier to complete the EBDL course. Units will record EBDL completion for which a Soldier is compensated on a DA Form 1380 as paid IDT.

2. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//