

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230005674

APPLICANT REQUESTS: correction of retirement points to reflect all qualifying service previously performed for:

- Anniversary Year Ending (AYE) 4 August 2020
- AYE 4 August 2021
- AYE 4 August 2022
- 4 August 2023

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states that his records do not accurately reflect all qualifying service previously performed. He contests that the provided DA Forms 1380 were submitted but not processed.

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

a. Following the applicant's service in the Army National Guard (ARNG), on 13 May 2016, the applicant was transferred into the U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve (IRR)) at the rank of captain (CPT).

b. On 20 June 2016, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-06-608362 assigning the applicant to a Troop Program Unit (TPU), effective 17 June 2016.

3. The applicant provides the following a:

a. DA Form 1380 dated 24 March 2020, reflective of the applicant's performance of qualifying service (Intermediate Level Education (ILE) responsibilities) for "points only" from 9 -16 March 2020 (8 hours per day – 16 points total).

b. DA Form 1380 dated 22 September 2021, reflective of the applicant's performance of qualifying service (responsibilities in support of company/battalion/brigade operations) for "points only" from 2-9 September 2021 (8 hours per day – 16 points total).

c. DA Form 1380 dated 24 September 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 2-9 September 2020 (8 hours per day – 16 points total).

d. DA Form 1380 dated 28 October 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 11-18 October 2021 (8 hours per day – 16 points total).

e. DA Form 1380 dated 22 November 2022, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 7-14 November 2022 (8 hours per day – 16 points total).

f. DA Form 1380 dated 30 November 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 22-29 November 2021 (8 hours per day – 16 points total).

g. DA Form 1380 dated 20 May 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 2-5, 7 and 12-14 May 2021 (8 hours per day – 16 points total).

h. DA Form 1380 dated 24 May 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 9-16 May 2020 (8 hours per day – 16 points total).

i. DA Form 1380 dated 25 March 2022, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 17-24 March 2022 (8 hours per day – 16 points total).

j. DA Form 1380 dated 22 June 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 2-3, 9-14 June 2021 (8 hours per day – 16 points total).

k. DA Form 1380 dated 24 June 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 1-5 and 20-22 June 2020 (8 hours per day – 16 points total).

l. DA Form 1380 dated 24 July 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 9-16 July 2020 (8 hours per day – 16 points total).

m. DA Form 1380 dated 27 January 2022, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 17-21 and 24-26 January 2022 (8 hours per day – 16 points total).

n. DA Form 1380 dated 25 February 2022, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 17-24 February 2022 (8 hours per day – 16 points total).

o. DA Form 1380 dated 28 December 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 13-20 December 2021 (8 hours per day – 16 points total).

p. DA Form 1380 dated 15 December 2020, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 2-4 and 7-11 December 2020 (8 hours per day – 16 points total).

q. DA Form 1380 dated 19 August 2021, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 2-7 and 17-18 August 2021 (8 hours per day – 16 points total).

r. DA Form 1380 dated 24 August 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 2-9 August 2020 (8 hours per day – 16 points total).

s. DA Form 1380 dated 24 April 2020, reflective of the applicant's performance of qualifying service (ILE responsibilities) for "points only" from 9-16 April 2020 (8 hours per day – 16 points total).

t. DA Form 1380 dated 29 April 2022, reflective of the applicant's performance of qualifying service (performing command responsibilities) for "points only" from 18-22 and 25-27 April 2022 (8 hours per day – 16 points total).

4. A review of the applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points) dated 11 March 2024, reflects that for AYE:

- 2020, covering the period of 5 August 2019 – 4 August 2020, the applicant received 82 retirement points (47 Inactive Duty Training (IDT) points, 15 Membership points, and 20 Active Duty Training (ADT) points)

- AYE 2021, covering the period of 5 August 2020 – 4 August 2021, the applicant received 179 retirement points (172 IDT points, 15 Membership points and 49 ADT points)
- AYE 2022, covering the period of 5 August 2021 – 4 August 2022, the applicant received 165 retirement points (95 IDT points, 15 Membership points and 55 ADT points)

5. On 31 October 2023, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request in that he be awarded 320 retirement points.

6. On 3 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. He 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that the provided DA Forms 1380 were submitted but not processed. According to the submitted DA Form 1380, the applicant performed the duties and qualified for retirement points for those duties performed during each Anniversary Year Ending (AYE) 4 August 2020, 4 August 2021, 4 August 2022, and 4 August 2023. The Board was persuaded by his argument that administrative errors occurred in not timely and properly processing his retirement points. The Board also agreed with the USARC determination that the applicant should be awarded three hundred and twenty (320) retirement points based off AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The Board determined that administrative relief is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	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 awarding the applicant qualifying retirement points for each Anniversary Year Ending, based on his submitted DA Forms 1380, provided all other criteria is met.

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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 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.

//NOTHING FOLLOWS//