

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230006152

APPLICANT REQUESTS:

- four paid retirement points for the retirement year ending on 21 December 2015
- five non-paid retirement points for the retirement year ending on 21 December 2022
- correction of her DA Form 5016 (Retirement Accounting Statement) to change retirement year ending 5 September 2022 through 13 November 2022 to 22 December 2021 through 21 December 2022, then correct inactive duty points to add 28 points from DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 15 membership points, and 1 active duty point

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

- DD Form 149 (Application for Correction of Military Record)
- Two DA Forms 1380, dated 27 April 2015 and 30 July 2022
- Screenshot of Missing Retirement Points for period of 16 June through 15 August 2021
- Defense Joint Military Pay System (DJMS) – Reserve Component (RC) Master Military Pay Account (MMPA) for 2021
- Headquarters (HQs), U.S. Army Reserve (USAR) Innovation Command Memorandum, Subject: Late Submission of Points Only DA Form 1380
- DA Form 5016, dated 23 April 2023
- Screenshot of Inactive Duty Performed During Fiscal Year 2022 (FY22)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in effect, when she was reviewing her DA Form 5016, she found there to be numerous errors which she requests to be rectified.

a. First to be awarded four paid retirement points for the retirement year ending on 21 December 2015 for the duty she performed on 25 through 26 April 2015 as reflected on the DA Form 1380.

b. Second to be awarded five non-paid retirement points for the retirement year ending on 21 December 2022 for the duty she performed during the period of 15 through 18 March and 21 March 2022 as reflected on the DA Form 1380.

c. Correct her DA Form 5016 to change retirement year ending 5 September 2022 through 13 November 2022 to 22 December 2021 through 21 December 2022. When Integrated Personnel and Pay System – Army (IPPS-A) came online she notice her DA Form 5016 not only had this error but several of her retirement points were missing from the document. On the Annual Detail Supplement, it shows a gap in her active duty points for the period of 1 July through 15 July 2021 for a total of 15 active duty points. She is also missing one active duty point for 28 February 2022 and one active duty point for 26 July 2022. She is also missing the following inactive duty points:

- 3 January 2022 – 2 points
- 5 January 2022 – 2 points
- 12 through 15 January 2022 – 1 point per day
- 29 through 31 January 2022 – 1 point per day
- 5 through 6 February 2022 – 2 points per day
- 2 April 2022 – 1 point
- 23 April 2022 – 2 points
- 20 May 2022 – 1 point
- 9 through 12 June 2022 – 2 points per day

When corrected her retirement year should cover the period of 22 December 2021 through 21 December 2022 and the entry should reflect 28 Inactive Duty Training (IDT) points plus points from DA Forms 1380, 15 membership points, and 1 active duty point.

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

a. On 28 June 2011, having had prior Regular Army and USAR enlisted service, the applicant executed her oath of office and was appointed a Reserve commissioned officer in the rank of second lieutenant.

b. On 3 August 2011, Orders Number C-08-110968, issued by the U.S. Army Human Resources Command (HRC), the applicant was appointed and assigned to a USAR Troop Program Unit, effective 28 June 2011.

c. On 10 January 2012, Orders Number T-01-200370, issued by HRC, the applicant was ordered to active duty for training, effective 5 February 2012.

d. The applicant was honorably released from active duty on 25 April 2012. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 2 months and 22 days of active service.

e. On 23 June 2014, Orders Number 14-174-00011, issued by HQs, 99th Regional Support Command (RSC), the applicant was assigned to the USAR Element, U.S. Pacific Command (USPACOM), effective 1 July 2014.

f. On 26 February 2018, Orders Number 030379, issued by the 99th RSC, the applicant was ordered to Active Duty for Operational Support – Reserve Component (ADOS-RC), effective 1 March 2018.

g. On 25 September 2018, Orders Number 000148, issued by the 99th RSC, the applicant was continued on ADOS-RC, effective 1 October 2018.

h. The applicant was honorably released from active duty on 31 August 2019. DD Form 214 shows the applicant completed 1 year and 6 months of active service.

i. On 1 July 2020, Orders Number 069024, issued by the 99th Readiness Division (RD), the applicant was ordered to ADOS-RC, effective 7 July 2020.

j. On 30 September 2020, Orders Number 000695, issued by the 99th RD, the applicant was continued on ADOS-RC, effective 1 October 2020.

k. The applicant was honorably released from active duty on 30 September 2021. DD Form 214 shows the applicant completed 1 year, 2 months, and 24 days of active service.

l. DA Form 5016, dated 20 January 2023 shows:

- retirement year ending 21 December 2015 the applicant earned: 33 IDT points, 15 membership points, 0 active duty points for a total of 48 creditable points
- retirement year ending 21 December 2021 the applicant earned: 14 IDT points, 15 membership points, 268 Active Duty Training (ADT) points for a total of 297 creditable points

On the Annual Detail Supplement it shows a gap in the applicant's active duty points for the period of 1 July through 15 July 2021 for a total of 15 active duty points.

m. DA Form 5016, dated 20 January 2024 shows:

- retirement year ending 21 December 2015 the applicant earned: 33 IDT points, 15 membership points, 0 active duty points for a total of 48 creditable points
- retirement year ending 21 December 2021 the applicant earned: 14 IDT points, 15 membership points, 268 ADT points for a total of 297 creditable points

On the Annual Detail Supplement it shows a gap in the applicant's active duty points for the period of 1 July through 15 July 2021 for a total of 15 active duty points. It does show the applicant was awarded 1 active duty point for 28 February 2022 and 1 active duty point for 26 July 2022. The applicant was awarded the following inactive duty points for each day:

- 3 January 2022 – 2 points
- 5 January 2022 – 2 points
- 12 through 15 January 2022 – 1 point per day
- 29 through 31 January 2022 – 1 point per day
- 5 through 6 February 2022 – 2 points per day
- 4 April 2022 – 1 point per day
- 23 April 2022 – 2 points
- 20 May 2022 – 1 point
- 9 through 12 June 2022 – 2 points per day

4. The applicant provides:

a. DA Form 1380, USPACOM, dated 27 April 2015, which shows the applicant performed administrative work, assisted the retention noncommissioned officer overseeing multiple units and miscellaneous work for 8 hours on 25 and 26 April 2015 to be awarded two paid points for each day. Master Sergeant (MSG) A-, Area Leader digitally signed the DA Form 1380 as the officer who had knowledge of the duties performed.

b. Screenshot which shows active duty for training during the period of 16 June through 30 June 2021, 16 through 31 July 2021 and 1 through 15 August 2021.

c. DJMS-RC MMPA for year 2021 shows the applicant was paid for active duty for the period of 1 January through 31 July 2021. The DJMS-RC MMPA is cut off for the remainder of the year.

d. DA Form 1380 from the USAR Talent Management, dated 30 July 2022, shows the applicant performed administrative and readiness compliance actions for 4 hours each day on 15 through 18 and 21 March 2022 to be awarded 1 non-paid retirement point for each day for a total of five points. Major M- D-, Talent Management Officer in

Charge digitally signed the DA Form 1380 on 11 August 2022 as the officer who had knowledge of the duties performed.

e. The applicant signed a Memorandum, Subject: Late Submission of Points Only DA Form 1380 which stated in effect, the DA Form 1380 was submitted upon the realization the form was not submitted immediately upon the completion of the duty performed.

f. DA Form 5016, dated 23 April 2023 where the applicant made comments:

- No break in service, should read 22 December 2021 through 21 December 2022 for retirement year ending
- Should read 28 points for duty already registered, awaiting the processing of additional DA Form 1380 for the remainder of points for inactive duty points
- Should reflect 15 for a full year of service for membership points
- Should read 1 for active duty points
- 14 November 2022 should not be reflected as it would be the current retirement year ending

The Annual Detail Supplement shows in the highlighted area there is missing active duty points for the period of 1 through 15 July 2021.

g. Screenshot of retirement point detail shows:

- 26 July 2022 – attendance at ADT status active
- 12 June 2022 – performance of inactive duty for training (IDT) status inactive
- 11 June 2022 – performance of IDT status inactive
- 10 June 2022 – performance of IDT status inactive
- 9 June 2022 – performance of IDT status inactive
- 20 May 2022 – performance of IDT status inactive
- 23 April 2022 – performance of IDT status inactive
- 2 April 2022 – performance of IDT status inactive
- 28 February 2022 – attendance at ADT status active
- 6 February 2022 – performance of IDT status inactive
- 5 February 2022 – performance of IDT status inactive
- 31 January 2022 – performance of IDT status inactive
- 30 January 2022 – performance of IDT status inactive
- 29 January 2022 – performance of IDT status inactive
- 15 January 2022 – performance of IDT status inactive
- 14 January 2022 – performance of IDT status inactive
- 13 January 2022 – performance of IDT status inactive
- 12 January 2022 – performance of IDT status inactive

- 5 January 2022– performance of IDT status inactive
- 3 January 2022 – performance of IDT status inactive

5. On 11 October 2023, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded retirement points based on duty performed as shown on provided DA Form 1380 and the correction of her DA Form 5016 for missing retirement points for duty which she was paid. The advisory official stated that a review of the documents provided determined the applicant should be awarded five retirement points for March of 2022. However, the DA Form 1380 for April 2015 was not signed by an officer with knowledge of her duties or a delegation letter that showed MSG A- was authorized to sign in lieu of an officer was not provided. It was recommended only a partial relief should be granted.

6. On 18 October 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment.

7. The applicant responded via e-mail on 3 December 2023 and provided e-mail correspondence between her full-time staff support submitting the signed DA Form 1380 by MSG A- to her officer in charge. She is hopeful this correspondence is enough to approve the remainder of the points in question.

BOARD DISCUSSION:

1. 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.

2. The Board determined the submitted DA Forms 1380 confirm the applicant performed the duties and qualified for retirement points for those duties performed during retirement year ending 21 December 2015 and retirement year end 21 December 2022. Therefore, the Board determined the applicant should be awarded four paid retirement points for the retirement year ending 21 December 2015 and five non-paid retirement points for the retirement year ending 21 December 2022. Additionally, the Board determined the applicant's request to correct her DA Form 5016 by amending retirement year ending 5 September 2022 to 13 November 2022 to 22 December 2021 to 21 December 2022 and amending her inactive duty points to add 28 points, 15 membership points, and 1 active duty point.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| █ | █ | █ | 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

a. Awarding the applicant qualifying retirement points on the dates indicated below, provided all other criteria is met:

- retirement year ending 15 December 2015: 4 paid retirement points
- retirement year ending 21 December 2022: 5 non-paid retirement points

b. Amending her retirement year ending 5 September 2022 through 13 November 2022 to 22 December 2021 through 21 December 2022.

c. Awarding the applicant 28 additional inactive duty points, 15 membership points, and 1 active duty point for the retirement year ending 21 December 2022.



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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). It does not contain guidance on preparation for order to active duty under a mobilization situation. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes the types of training and activities or which retirement points are authorized and the procedures for recording retirement point credits and training for members of the U.S. Army Reserve (USAR) Soldiers.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year area. Maximum-365 (366 during leap year) points. Maximum for inactive duty training (IDT) 60 points for IDT and membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- Two-hour rule; Soldiers earn one point for each IDT period per day for funeral honors duty with a maximum of one point per calendar day
- 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 for a maximum of two points in 1 calendar day

d. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month. The code "P" or "N" will be entered in item 10c 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. The authorization for the training reported on DA Form 1380 must be entered in item 10 to include approving headquarters and date of approval.

e. Table 2-1 (Award of IDT retirement points) rule 4; completed Army correspondence course non-resident instruction as a Selected Reserve Soldier will be awarded 1 point for each 3 credit hours satisfactorily completed. Rule 11; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier will be awarded points under the 2-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA. Four-hour rule applies for these periods.

f. Paragraph 3-3b, 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. The authorization for the training reported on DA Form 1380 must be entered in item 10 to include approving headquarters and date of approval. The responsible officer will sign copies forward to the custodian of the reservist's service records.

4. Department of Defense Instruction (DoDI) 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours. One retirement point for members of the Selected Reserve after successfully completing non-resident training and education in an active status for each 4 hours of pay received. A period of non-resident training and education using electronic-based distributed learning methodologies must last at least 4 hours. The Service member must certify that he or she completed it.

//NOTHING FOLLOWS//