

IN THE CASE OF: ██████████

BOARD DATE: 6 March 2024

DOCKET NUMBER: AR20230006163

APPLICANT REQUESTS: correction of her retirement points to reflect inclusion of service for points only performed for the retirement years ending on 19 May 2018, 19 May 2020, and 19 May 2021 for the following periods:

- August 2017
- January to June 2020

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), 31 August 2017
- DA Form 1380, 31 January 2020
- DA Form 1380, 29 February 2020
- DA Form 1380, 31 March 2020
- DA Form 1380, 30 April 2020
- DA Form 1380, 31 May 2020
- DA Form 1380, 30 June 2020
- DA Form 5016 (Chronological Statement of Retirement Points), 15 March 2023

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 pertinent part, her DA Forms 1380 were not correctly processed in 2020 through her unit which caused her to miss points. While doing further research, she also realized that there was a DA Form 1380 from 2017 which was also not processed. She performed all training and submitted the forms. Therefore, she should be awarded the points.

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

- a. On 20 October 1986, she enlisted in the Regular Army.
- b. On 2 September 1988, the 546th Personnel Service Company issued Orders Number 170-7 reassigning her to the U.S. Army separation and transition point for an honorable release from active duty on 9 September 1988 and assignment to the U.S. Army Reserve (USAR) Control Group (Annual Training).
- c. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 9 September 1988 reflects an honorable release from active duty by reason of hardship and transfer to Headquarters and Headquarters Company, 174th Support Group. Item 12 (Record of Service) shows service from 20 October 1986 to 9 September 1988 for a net active service this period of 1 year, 10 months, and 20 days.
- d. On 6 March 1994, she enlisted in the USAR for a period of 6 years and continued service through reenlistments.
- e. On 24 January 2022, an informal Physical Evaluation Board convened finding her physically unfit and that her disposition be referred for case disposition under Reserve Component regulations.
- f. DA Form 5016, dated 15 March 2023 shows:
  - (1) For the retirement year ending on 19 May 2018, the applicant earned 76 Inactive Duty Training (IDT) points, 15 membership points, and 23 Active Duty Training (ADT) points, totaling 114 total points creditable.
  - (2) For the retirement year ending on 19 May 2020, the applicant earned 55 IDT points, 15 membership points, and 29 ADT points, totaling 99 total points creditable.
  - (3) For the retirement year ending 19 May 2021, the applicant earned 88 IDT points, and 15 membership points, and 31 ADT points, totaling 134 total points creditable.
- g. On 30 November 2023, the U.S. Army Human Resources Command (HRC) issued Orders Number C11-395953 honorably retiring her, effective 6 December 2023.

4. The applicant provides the following:

- a. DA Form 1380, dated 31 August 2017, showing the applicant completed training on 3,9,11,14,16,19,21,22,24,26,29, and 31 August 2017, for 4 hours each, totaling 12 retirement points.
- b. DA Form 1380, dated 31 January 2020 showing the applicant completed training

on 3,6,8,9,17,18,20,23, and 24 January 2020, for 4 hours each, totaling 9 retirement points.

c. DA Form 1380, dated 29 February 2020 showing the applicant completed training on 2,3,4,5,14,17,20,22,24,25,26 and 27 February 2020, for 4 hours each, totaling 12 retirement points.

d. DA Form 1380, dated 31 March 2020 showing the applicant completed training on 2,3,9,10,11,18,20,22,24,26,29, and 30 March 2020, for 4 hours each, totaling 12 retirement points.

e. DA Form 1380, dated 30 April 2020 showing the applicant completed training on 3,6,8,9,10,12,17,20,21,22, and 23 April 2020, for 4 hours each, totaling 11 retirement points.

f. DA Form 1380, dated 31 May 2020 showing the applicant completed training on 2,3,5,7,9,11,13,15,19,21,22, and 24 May 2020, for 4 hours each, totaling 12 retirement points.

g. DA Form 1380, dated 30 June 2020 showing the applicant completed training on 1,6,7,9,11,12,15,17,19,21,22, and 24 June 2020, for 4 hours each, totaling 12 retirement points.

5. On 11 October 2023, HRC, Chief, Personnel Services Division, provided an advisory opinion of the applicant's request stating, in effect:

a. The applicant is requesting the accreditation of nonpaid retirement points for duty performed in August 2017 and January through June 2020.

b. Their office reviewed the application and requested administrative action. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3, requires that nonpaid DA Forms 1380 be forwarded to HRC for the award of retirement points no later than the end of each duty month. The enclosed DA Forms 1380 for January to June 2020 were submitted to HRC in February 2022.

c. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. This office cannot award nonpaid retirement points without direction from the Army Review Boards Agency.

6. On 19 October 2023, the applicant was provided with a copy of the advisory opinion to provide a response. As of 2 November 2023, 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and United States Army Human Resources Command – Personnel Services Division advisory opinion, the Board considered the advising official recommendation. However, the Board found the applicant completed the training and her DA Form 1380's was properly signed by her command in a timely manner. The Board determined based on the preponderance of evidence there is sufficient documentation for correction of the applicant's retirement points to reflect inclusion of service for points only performed for the retirement years ending on 19 May 2018, 19 May 2020, and 19 May 2021 for the following periods: August 2017 and January to June 2020. Based on this, the Board granted relief.

**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 to show the applicant submitted her DA Form 1380's in a timely manner to Human Resources Command and is authorized correction of her retirement points to reflect inclusion of service for points only performed for the retirement years ending on 19 May 2018, 19 May 2020, and 19 May 2021 for the following periods: August 2017 and January to June 2020.

  


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 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. 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR Troop Program Units, Army National Guard units, or to another service or component for training. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event.
  - a. 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.
  - b. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed.

Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

//NOTHING FOLLOWS//