

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2024

DOCKET NUMBER: AR20230006179

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 20 September and 17 November 2021, and 21 February 2022 were accepted and added to his record for the retirement year ending on 17 May 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380
- 20 September 2021, 17 November 2021, and 21 February 2022
- Transmittal Letter History, 11 May 2022
- DA Form 5016 (Chronological Statement of Retirement Points), 29 June 2022

FACTS:

1. The applicant states:

a. His retirement points were not updated correctly. He has a bad retirement point year from May 2021 to May 2022 because points were not correctly filed and calculated. He would like his retirement points updated and his bad retirement year corrected to reflect the correct amount of Reserve retirement points for the above-mentioned time frame.

b. The DA Forms 1380 for retirement points only were submitted through the U.S. Army Human Resources Command (HRC). HRC returned several months of DA Forms 1380 six months after they were submitted stating they needed to be submitted through the 88th Readiness Division (RD). When submitted through the 88th RD the DA Forms 1380 were returned again stating that the retirement points for corrections needed to be submitted within 30 days of duty completion, which was done initially when submitted to HRC.

2. The applicant did not indicate a specific number of retirement points he is requesting to be awarded.

3. A review of the applicant's official records show the following:

a. He enlisted in the U.S. Army Reserve (USAR) on 18 May 2002 and reenlisted on 19 May 2007 for 6 years.

b. On 14 March 2008, HRC published Orders Number R-03-881621, which ordered the applicant to active duty in an Active Guard/Reserve (AGR) status for a period of 3 years with a report date of 24 March 2008.

c. On 22 May 2008, Headquarters, Civil Affairs and Psychological Operations Command (A), Fort Bragg, NC, published Orders Number 08-143-00013, which reassigned the applicant in the Reserve Component for "Active Guard/Reserve - Title 10" and assigned him to the USAR Control Group (AGR), effective 23 March 2008.

d. On 13 August 2013, he reenlisted in the USAR for an indefinite period.

e. The applicant was released from active duty and transferred to the USAR Control Group (Reinforcement) on 20 August 2018. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 10 years, 4 months, and 27 days of net active service this period with 2 years, 4 months, and 22 days total prior active service.

f. His record contained DA Form 5016 (Retirement Accounting Statement) dated 16 June 2023, which shows the applicant's total career retirement points earned at the time as 226 Inactive Duty Training (IDT) points, 315 membership points, 5145 active duty points, 19 years qualifying for retirement, 5536 points earned and creditable. It also shows, in pertinent part, he earned the following retirement points during the completed anniversary year of 18 May 2021 to 17 May 2022:

- 16 IDT points
- 15 membership points
- 4 active duty points
- 35 points earned
- 35 points creditable

g. DA Form 5016 (Chronological Statement of Retirement Points) dated 23 February 2024, shows in pertinent part, a total of 174 IDT points, 300 membership points, 5141 active duty points, 18 years qualifying for retirement, and 5465 points creditable. In pertinent part, it shows he earned the following retirement points during the completed anniversary year of 18 May 2021 to 17 May 2022:

- 16 IDT points
- 15 membership points

- 4 active duty points
- 35 total points creditable

3. In support of his case, the applicant provides:

a. DA Forms 1380 dated 20 September 2021, 17 November 2021 and 21 February 2022, for points only during the completed anniversary year of 18 May 2021 to 17 May 2022. The forms are signed by the battalion commander, major [REDACTED] and show dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 11 and 12 September 2021 – 8 hours each day, N2 (nonpaid), End of Year Admin, Taylor Hall, Las Vegas, NV; totaling: 4 points
- 15 and 16 September 2021 – 8 hours each day, N2 (nonpaid), Battalion Support, Las Vegas, NV; totaling: 4 points
- 23 and 24 October 2021 – 8 hours each day, N2 (nonpaid), Mission Essential Task List Training, Army Combat Fitness Test, Admin Readiness, Taylor Hall, Las Vegas, NV; totaling 4 points
- 6 and 7 November 2021 – 8 hours each day, N2 (nonpaid), Map Reading, Land Navigation, CA Recon, Las Vegas, NV; totaling: 4 points
- 21 to 23 January 2022 – 8 hours each day, N2 (nonpaid), KLE, Supply Inventory, Change of Responsibility, Admin Readiness, Classes, Taylor Hall, Las Vegas, NV; totaling: 6 points

b. Transmittal Letter History prepared on 11 May 2022, which shows transaction log dates, event dates, drill codes, unit training assembly period number and pay/non pay codes for the applicant during the anniversary year of 18 May 2021 to 17 May 2022.

4. On 11 October 2023, Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and recommended full administrative relief granted. USARC reviewed the applicant's documents and determined he should be awarded twenty-eight (28) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

5. On 19 October 2023, the applicant was provided a copy of the USARC advisory opinion to allow for comments and/or rebuttal. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official and determined the applicant should be awarded 28 additional retirement points for the retirement year ending 17 May 2022.

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 crediting him with 28 additional inactive duty points (unpaid) for the retirement year ending 17 May 2022.

X █

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. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, 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. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points.

c. Paragraph 3-3b (DA Form 1380) states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. Troop Program Units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the month's report and then place in the appropriate Army records information management system file. 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.

//NOTHING FOLLOWS//