

IN THE CASE OF: ██████████

BOARD DATE: 13 March 2024

DOCKET NUMBER: AR20230006189

APPLICANT REQUESTS: correction of retirement points for Anniversary Year Ending (AYE) 31 May 2022, specifically January (9 points), February (8 points) and April (8 points).

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

- DD Form 149 (Application for Correction of Military Record)
- Email communication
- DA Form 1380 for "Points Only" Field Guide
- Troop Personnel Unit (TPU) Personnel Actions Checklist
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Memorandum – Subject: Signature Authority
- Memorandum – Subject: Delegation of Signature Authority

FACTS:

1. The applicant states in pertinent part that his retirement points for AYE 2022 do not accurately reflect all of the qualifying service that he performed. He contests that he submitted the appropriate documentation to his unit administration, however his records are yet to reflect the addition of these points. He notes that he has made repeated unsuccessful attempts to have this information updated through his Readiness Division but was advised to request relief through this Board.

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

a. On 31 May 2011, the applicant was appointed a Reserve commission within the Judge Advocate General (JAG) Corps and subsequently assigned to a TPU at the rank of first lieutenant (1LT)/O-2.

b. On 7 October 2019, Headquarters, 99th Readiness Division issued Orders Number 19-280-00020 reassigning the applicant to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 5 November 2019.

c. On 22 January 2021, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-01-100679 reassigning the applicant to a TPU, effective 1 April 2021.

3. The applicant provides the following a:

a. Email communication reflective of the applicant being advised that the implementation of the Integrated Personnel and Pay System – Army (IPPS-A) has resulted in issues with processing retirement points. The applicant was redirected to this Board.

b. DA Form 1380 for "Points Only" Field Guide, reflective of the provided guidance pertaining to submitting requests for "points only" credit through AHRC. DA Forms 1380 must be submitted to AHRC no later than the end of the duty month.

c. TPU Personnel Actions Checklist, reflective of a listing of the required documents to be submitted in the processing of DA Forms 1380.

d. DA Form 1380, reflective of the applicant's performance of qualifying active-duty service for points only on the following dates:

- 2, 12-15 and 24-26 January 2022 (4 hours per day – 8 points total)
- 27 January 2022 (4 hours – 1 point total)
- 16-19 February 2022 (8 hours per day – 8 points total)
- 1-4 April 2022 (8 hours per day – 8 points total)

The DA Forms 1380 for January 2022 and April 2022 were endorsed by Mr. [REDACTED] on 21 April 2022, and the DA Form 1380 for February 2022 was endorsed by Chief Warrant Officer Two (CW2) [REDACTED] on 1 March 2022.

e. Memorandum – Subject: Signature Authority reflective of a listing of individuals authorized to sign DA Form 1380s for the U.S. Army Reserve (USAR) Legal Command. Specifically, Mr. [REDACTED]

f. Memorandum – Subject: Delegation of Signature Authority reflective of a listing of individuals authorized to sign DA Forms 1380 for the Headquarters and Headquarters Company, USAR Legal Command. Specifically, for CS2 [REDACTED]

4. A review of the applicant's most recent DA Form 5016 (Chronological Statement of Retirement Points) dated 29 February 2024, reflects that for AYE 2022, covering the period of 1 June 2021 – 31 May 2022, the applicant received 152 retirement points (100 Inactive Duty Training (IDT) points, 15 Membership points, and 37 Active Duty Training (ADT) points). The applicant's detailed points history available within the Soldier

Management System – Web (SMS-Web) is void of evidence of points previously awarded for the following periods contained within the applicant's requested:

- 2 January 2022 – 1 ADT point
- 2-4 April 2022 – 6 IDT points

5. On 8 November 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 25 retirement points.

6. On 27 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments.

7. On 6 December 2023, the applicant responded in concurrence with the advisory opinion recommendation with the caveat that the points be added to the AYE in which the qualifying service was performed.

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 Headquarters, United States Army Reserve Command- Soldier Programs Branch advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be awarded the 25 points based on regulatory guidance in accordance with AR 140-185. The Board found there is sufficient evidence based on the opine to correct the applicant's DA Form 1380 awarding him 25 retirement points. Therefore, relief was granted.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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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 to show the applicant submitted his DA Form 1380's in a timely manner and authorized correction of his retirement points for Anniversary Year Ending (AYE) 31 May 2022, specifically January (9 points), February (8 points) and April (8 points).

3/19/2024

X

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.

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//