

IN THE CASE OF: ██████████

BOARD DATE: 28 February 2024

DOCKET NUMBER: AR20230006431

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 14 February 2023 was accepted and added to his record.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 2813 (Department of Defense Active Duty/Reserve/Guard/Civilian Forces Dental Examination), 16 July 2020
- Dental appointment confirmation for applicant, 6 February 2023
- DA Form 1380, 14 February 2023
- Memorandum - Subject: Letter of Lateness [applicant], DA Form 1380 for Points Only, 14 February 2023

FACTS:

1. The applicant states:

a. In July of 2020, he attended an appointment for a mandatory dental screening. A DD Form 2813 was sent to the unit documenting the event, which entitled him to a retirement point. While the DD Form 2813 was successfully processed, updating his medical readiness, a DA Form 1380 was not processed, and he did not receive a retirement point for the work performed. This resulted in him receiving only 49 of the 50 required points to have a good year for retirement calculations. This oversight was discovered by him in December of 2022 when performing a records review as part of a transfer to a new unit. An attempt to rectify this by submitting a DA Form 1380 and supporting documents through Integrated Personnel and Pay System-Army was denied, exhausting all attempts for an administrative remedy.

b. This event occurred in the summer of 2020, a time when his unit was working through the challenges of training and maintaining readiness under the COVID-19 pandemic lockdown. Changes to administrative processes and resultant difficulties in communication resulted in him not receiving credit for service performed. In support of this application for the correction of military records the following are included: (1) The

DD Form 2813 submitted in July of 2020. (2) The DA Form 1380 submitted after the error was discovered. (3) A memo signed by the applicant's current Headquarters and Headquarters Company commander and submitted with the DA Form 1380. (4) An email confirming the July 2020 dental appointment.

2. A review of the applicant's military record shows the following:

a. Having prior cadet service and commissioned officer service in the Regular Army, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a captain (CPT) in the Reserve and executed an oath of office on 2 June 2010. He executed an additional oath of office and was appointed as a CPT in the [REDACTED] Army National Guard ([REDACTED] ARNG).

b. National Guard Bureau (NGB) Form 22A (Correction to NGB Form 22) shows, in pertinent part, the applicant was released from the [REDACTED] ARNG and transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement) on 12 April 2012. He is currently serving in a USAR Troop Program Unit.

c. His record contained DA Form 5016 (Retirement Accounting Statement) dated 5 June 2023, which shows the applicant's total career retirement points earned as 422 Inactive Duty Training (IDT) points, 13 extension course points, 194 membership points, 2555 active duty points, 17 years qualifying for retirement, and 3184 points earned and points creditable. It also shows, in pertinent part, he earned the following retirement points during the period of 7 May 2020 to 6 May 2021 – 34 IDT points, 15 membership points, 49 points earned, and 49 points creditable.

d. DA Form 5016 (Chronological Statement of Retirement Points) dated 13 February 2024, shows in pertinent part:

(1) The applicant earned the following retirement points during the period of 7 May 2020 to 6 May 2021 – 34 IDT points, 15 membership points, and 49 total points creditable.

(2) A total of 400 IDT points, 13 extension points, 179 membership points, 2539 active duty points, 16 years and 1 day qualifying for retirement, and 3131 points creditable.

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

a. DD Form 2813 which shows he attended a dental readiness exam on 16 July 2020.

b. An email dated 6 February 2023, which shows he an appointment on

16 July 2020.

c. DA Form 1380 dated 14 February 2023, which shows on 16 July 2020 for 4 hours, nonpaid (N1), the applicant attended a dental readiness exam in [REDACTED]; and authorizes a total of one (1) retirement point.

c. Memorandum for Record - Subject: Letter of Lateness [applicant], DA Form 1380 for Points Only, wherein, the commander states, the applicant's dental DA Form 1380 was not processed for payment due to no fault of his own. There are no medical funds available for fiscal year 2020 to process payment, requesting DA Form 1380 be processed for points only. The applicant was assigned to the 416th Civil Affairs Battalion during this time and transferred to 358th Civil Affairs Brigade, effective 1 January 2021.

4. On 2 November 2023, Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and stated, USARC reviewed the applicant's documents and determined he should be awarded one (1) point based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). Full administrative relief granted.

5. On 27 November 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:

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, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be awarded one (1) point based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). Evidence in the record show the applicant's dental DA Form 1380 was not processed for payment due to no fault of his own. The Board determined there is sufficient evidence for correction of the applicant's record to show the submitted DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 14 February 2023 was accepted and added to his record. Therefore, 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 his DA Form 1380 in a timely manner and was awarded one (1) point based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

2/29/2024

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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. AR 140-1 (Mission, Organization, and Training) states in paragraph 3-26 (Training of Soldiers in a non-pay status), Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are approved for:

- 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), 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. Paragraph 3-3b (DA Form 1380) states, nonpaid DA Forms 1380 will not be entered into automated drill attendance reporting software and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//