

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230006475

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to award him 225.5 retirement points for duty performed between retirement years 2015 through 2017.

- 90.5 retirement points for the retirement year ending 5 January 2016
- 77 retirement points for the retirement year ending 5 January 2017
- 58 retirement points for the retirement year ending 5 January 2018

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

- DD Form 149 (Application for Correction of Military Record)
- Statement from Master Sergeant (MSG) B- (Retired)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), dated 12 January 2015
- DA Form 1380, 17 February 2015
- DA Form 1380, 23 March 2015
- DA Form 1380, 24 April 2015
- DA Form 1380, 21 May 2015
- DA Form 1380, 30 May 2015
- DA Form 1380, 29 June 2015
- DA Form 1380, 24 July 2015
- DA Form 1380, 5 August 2015
- DA Form 1380, 25 September 2015
- DA Form 1380, 30 October 2015
- DA Form 1380, 26 November 2015
- DA Form 1380, 30 December 2015
- DA Form 1380, 18 January 2016
- DA Form 1380, 15 March 2016
- DA Form 1380, 22 April 2016
- DA Form 1380, 27 May 2016
- DA Form 1380, 29 June 2016
- DA Form 1380, 13 June 2016
- DA Form 1380, 29 June 2016

- DA Form 1380, 30 August 2016
- DA Form 1380, 2 September 2016
- DA Form 1380, 30 November 2016
- DA Form 1380, 27 January 2017
- DA Form 1380, 24 February 2017
- DA Form 1380, 30 March 2017
- DA Form 1380, 28 April 2017
- DA Form 1380, 30 May 2017
- DA Form 1380, 29 June 2017
- DA Form 1380, 28 July 2017
- DA Form 1380, 30 August 2017
- DA Form 1380, 21 November 2017
- E-mail from the U.S. Army Human Resources Command (HRC)

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, his DA Forms 1380 for non-paid retirement points were never processed when the duty was performed. He submitted a request to his Army Reserve Administrator (ARA) on 24 April 2023 for assistance in getting this error corrected. On 6 May 2023, the ARA was advised by HRC, his DA Forms 1380 could not be processed without the direction of the ABCMR. He has provided the DA Forms 1380 along with a letter from MSG B- who was the 22nd Legal Operations Detachment (LOD) Chief Paralegal who validated the duty which he performed.
3. The line of duty the applicant requested through his congressional liaison on or about 10 July 2023 for multiple medical conditions will not be considered by the Board as the request for a line of duty was submitted on 28 February 2023 by the 6th LOD to the U.S. Army Reserve Command processing and has not been approved or disapproved. Until then, the applicant has not exhausted all administrative remedies. The Board will consider the applicant's request for retirement points.
4. A review of the applicant's service record shows:
  - a. With prior U.S. Navy Reserve enlisted service, the applicant enlisted in the Regular Army on 6 January 2010.
  - b. On 5 January 2013, the applicant was honorably released from active duty and assigned to a U.S. Army Reserve (USAR) Troop Program Unit. DD Form 214

(Certificate of Release or Discharge from Active Duty) shows the applicant completed 3 years of active service.

c. The applicant reenlisted in the USAR on 5 February 2013 and had continuous service through reenlistments.

d. DA Form 87 (Certificate of Training) shows the applicant completed the Advanced Leader Common Core on 14 January 2014.

e. On 24 February 2014, Orders Number 14-055-00001, issued by Headquarters (HQs), Legal Command, the applicant was assigned to the 22nd LOD, effective 24 February 2014.

f. DA Form 87 shows the applicant completed the Structured Self-Development Level 3 Course on 4 September 2014.

g. A Certificate of Completion from the Judge Advocate General's Legal Center and School shows the applicant completed the Pre-Advanced Leader Course (ALC) through 57 hours of Distributed Learning on 31 May 2015.

h. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant completed the ALC during the period of 25 January through 1 March 2016.

i. On 15 June 2016, Orders Number 16-167-00011, issued by the Legal Command, show the applicant was assigned to the 149th Judge Advocate Detachment, effective 15 June 2016.

j. On 17 June 2016, Orders Number 16-169-00008, issued by HQs, Legal Command, the applicant was attached to the 22nd LOD for administrative and operational control, effective 17 June 2016.

k. Certification of Completion shows the applicant completed the Intermediate Paralegal Course through 48 hours of distributed learning on 28 June 2016.

l. On 1 August 2016, Orders Number 069961, issued by the 99th Regional Support Command (RSC), the applicant was ordered to active duty for training schools to attend ALC for 38 days for the period of 7 August through 14 September 2016.

m. A Certificate of Completion from the Judge Advocate General's Legal Center and School shows the applicant completed the Paralegal Senior Leaders Course (SLC) during the period of 8 August through 13 September 2016.

n. On 14 March 2017, Orders Number 17-073-00003, issued by HQs, Legal Command, the applicant was released from attachment to the 22nd LOD, effective 14 March 2017.

o. On 16 March 2017, Orders Number 17-075-00003, issued by HQs, Legal Command, the applicant was assigned to the 22nd LOD, effective 16 March 2017.

p. On 22 June 2017, Orders Number 17-173-00079, issued by HQs, 63rd RSC, the applicant was promoted to the rank/grade of sergeant first class (SFC)/E-7, effective 1 July 2017.

q. On 22 June 2017, Orders Number 17-173-00081, issued by HQs, 63rd RSC, the applicant was assigned to the 654th Regional Support Group (RSG), effective 1 August 2017.

r. On 1 February 2019, Orders Number 19-032-00024, issued by HQs, 88th Readiness Division (RD) (USAR), the applicant was assigned to the 6th Judge Advocate Detachment (JA DET), effective 2 March 2019.

s. On 20 August 2019, Orders Number HR-9232-00002, issued by HRC, the applicant was ordered to active duty for operational support, effective 2 September 2019.

t. The applicant was honorably released from active duty on 1 December 2019. DD Form 214 shows the applicant completed 3-months of active service.

u. On 20 November 2020, Orders Number 008576, issued by the 99th RD, the applicant was ordered to active duty for training, effective 17 November 2020, to attend medical appointments.

v. On 6 January 2021, Orders Number MM-1006-00009, issued by HQs, U.S. Army Medical Command (MEDCOM), the applicant was retained on active duty to participate in Reserve Component Soldier in transition medical retention processing program for completion of medical evaluation, effective 6 January 2021.

w. On 22 February 2023, the Navy Personnel Command issued the applicant a statement of service for Navy Reserve Retirement which shows the applicant obtained 6 years of qualifying service with a total of 1,622 creditable retirement points.

x. On 5 January 2024, Orders Number MM-4005-00014, issued by MEDCOM, the applicant was retained on active duty to participate in Reserve Component Soldier in transition medical retention processing program for completion of medical evaluation, effective 9 January 2024.

y. DA Form 5016, dated 4 February 2024 shows the applicant earned the following points for retirement years ending:

- 5 January 2016 – 50 Inactive Duty Training (IDT) points, 15 membership points, 5 Active Duty Training (ADT) points for a total of 70 creditable points
- 5 January 2017 – 48 IDT points, 15 membership points, 85 ADT points for a total of 148 creditable points
- 5 January 2018 – 60 IDT points, 15 membership points, 9 ADT points for a total of 84 creditable points

5. The applicant provides:

a. Statement from MSG B- dated 4 February 2023 which stated between 2015 through 2017 the applicant was assigned to the 22nd LOD. During which time at least 32 DA Forms 1380 for non-paid retirement points were provided to him for signature to verify the duty the applicant performed during off duty hours. Due to administrative errors the applicant was never awarded the retirement points. As shown on the DA Forms 1380 the applicant conducted official Army business per regulatory guidance under the 22nd LOD.

b. DA Form 1380 from the 22nd LOD dated 12 January 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 9, 12 and 27 January 2015 the applicant performed 8 hours of duty on each day where he conducted Southwest (SW) region administrative duties as the Noncommissioned Officer in Charge (NCOIC) and the required follow-up and training to be awarded two retirement points for each day of duty, totaling six retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. In Item 9d (Nature of Duties, Training or Instruction) states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 (Typed Name, Grade and Position of Officer Having Knowledge of Duties Performed) shows the name of MSG B- (Retired). Item 11 (Signature of Officer) shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

c. DA Form 1380 from the 22nd LOD dated 17 February 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 6, 9 and 17 February 2015 the applicant performed 8 hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded two retirement points for each day of duty, totaling six retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG B- (Retired). Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

d. DA Form 1380 from the 22nd LOD dated 23 March 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 6, 9 and 23 March 2015 the applicant performed 8 hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded two retirement points for each day of duty, totaling six retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG B- (Retired). Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

e. DA Form 1380 from the 22nd LOD dated 24 April 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 10 and 24 April 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded two retirement points for each day of duty, totaling four retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG B- (Retired). Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

f. DA Form 1380 from the 22nd LOD dated 21 May 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 1, 4, and 21 May 2015 the applicant performed 8 hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training and on 7 May 2015 he conducted assigned training in accordance with the May training schedule to be awarded two retirement points for each day of duty, totaling eight retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

g. DA Form 1380 from the 22nd LOD dated 30 May 2015 shows the applicant performed equivalent duties as authorized by MSG B-. On 15, 19, 25 through 28 and 30 May 2015 the applicant performed 8 hours of duty on each day where he completed various modules of the ALC to be awarded two retirement points for each day of duty. On 29 May 2015 the applicant performed 10-hours of duty completing module 6 of ALC to be awarded 2.5 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG B- Retired. Item 11 shows two rows of Xs

with the applicant's signature over them and "Retired" in the top right corner with initials below.

h. DA Form 1380 from the 22nd LOD dated 29 June 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 5, 8 and 29 June 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

i. DA Form 1380 from the 22nd LOD dated 24 July 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 10, 13 and 24 July 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

j. DA Form 1380 from the 22nd LOD dated 5 August 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 31 July and 3 and 5 August 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

k. DA Form 1380 from the 22nd LOD dated 25 September 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 11, 14 and 25 September 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and

to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

l. DA Form 1380 from the 22nd LOD dated 30 October 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 12, 16, 19 and 29 October 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

m. DA Form 1380 from the 22nd LOD dated 26 November 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 6, 9 and 26 November 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

n. DA Form 1380 from the 22nd LOD dated 30 December 2015 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 4, 7 and 30 December 2015 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

o. DA Form 1380 from the 22nd LOD dated 18 January 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 8, 11, 15 and 18 January 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA



Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

p. DA Form 1380 from the 22nd LOD dated 15 March 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 2, 3, 8 and 15 March 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

q. DA Form 1380 from the 22nd LOD dated 22 April 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 1, 4, 18 and 22 April 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

r. DA Form 1380 from the 22nd LOD dated 27 May 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 6, 9, 19 and 27 May 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

s. DA Form 1380 from the 22nd LOD dated 29 June 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. The DA Form 1380 does not specify if the duty was paid or non-paid. In Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated

4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows "Retired" with initials. The applicant completed modules 1 through 6 for the Pre- SLC as follows:

- 28 May 2016 started module 1 for 6-hours to be awarded 1.5 retirement points
- 31 May 2016 completed module 1 for 7-hours to be awarded 1.75 retirement points
- 1 June 2016 started module 2 for 5-hours to be awarded 1.25 retirement points
- 6 June 2016 completed module 2 for 5-hours to be awarded 1.25 retirement points
- 7 June 2016 started module 3 for 5-hours to be awarded 1.25 retirement points
- 8 June 2016 completed module 3 for 5-hours to be awarded 1.25 retirement points
- 13 June 2016 started module 4 for 5-hours to be awarded 1.25 retirement points
- 14 June 2016 completed module 4 for 5-hours to be awarded 1.25 retirement points
- 17 June 2016 started module 5 for 5-hours to be awarded 1.25 retirement points
- 18 June 2016 completed module 5 for 5-hours to be awarded 1.25 retirement points
- 20 June 2016 started module 6 for 5-hours to be awarded 1.25 retirement points
- 21 June 2016 completed module 6 for 5-hours to be awarded 1.25 retirement points

t. DA Form 1380 from the 22nd LOD dated 13 June 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. On 3, 6, 9 and 12 June 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as the NCOIC and the required follow-up and training to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. The DA Form 1380 does not specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows two rows of Xs with the applicant's signature over them and "Retired" in the top right corner with initials below.

u. DA Form 1380 from the 22nd LOD dated 29 June 2016 shows the applicant performed equivalent duties as authorized by MSG L- B-. The DA Form 1380 does not

specify if the duty was paid or non-paid. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information. Item 10 shows the name of MSG L- B- Retired. Item 11 shows "Retired" with initials. The applicant completed modules 7 and 8 for the Pre-SLC as follows:

- 24 June 2016 completed module 7 for 6-hours to be awarded 1.5 retirement points
- 26 June 2016 started module 8 for 4-hours to be awarded 1 retirement point
- 28 June 2016 completed module 8 for 3-hours to be awarded .75 retirement point

v. DA Form 1380 from the 22nd LOD dated 30 August 2016 shows the applicant performed equivalent duties as authorized by Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) dated 3 August 2018, Table 2-3, rule 10 (Administrative Duties) and rule 20 (other non-pay training). On 9 through 12 August 2016 the applicant performed 8-hours of duty on each day in preparation for SLC at the Headquarters (HQs), 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 8 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

w. DA Form 1380 from the 22nd LOD dated 2 September 2016 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 1 and 2 September 2016 the applicant performed 8-hours of duty on each day in preparation for SLC and SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 4 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

x. DA Form 1380 from the 22nd LOD dated 30 November 2016 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 10, 16 and 17 November 2016 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the

completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

y. DA Form 1380 from the 22nd LOD dated 27 January 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 10 January 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 12 and 26 January 2017 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

z. DA Form 1380 from the 22nd LOD dated 24 February 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 14 February 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 15 and 17 February 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

aa. DA Form 1380 from the 22nd LOD dated 30 March 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 7 March 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 9 and 23 March 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

bb. DA Form 1380 from the 22nd LOD dated 28 April 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 4, 6 and 26 April 2017 the applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the

HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L-B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

cc. DA Form 1380 from the 22nd LOD dated 30 May 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 9 May 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 11 and 25 May 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

dd. DA Form 1380 from the 22nd LOD dated 29 June 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 6 June 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 8 and 28 June 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

ee. DA Form 1380 from the 22nd LOD dated 28 July 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 11 July 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 13 and 27 July 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

ff. DA Form 1380 from the 22nd LOD dated 30 August 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. The applicant performed 8-hours of duty to be awarded 2 retirement points for each day of duty, totaling 10 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials:

- 7 and 9 August 2017, conducted southwest region administrative duties as NCOIC at the HQs, 22nd LOD
- 12 through 13 August 2017, conducted training and support at the 654th RSG
- 29 August 2017, conducted southwest region administrative duties as NCOIC at the HQs, 22nd LOD

gg. DA Form 1380 from the 22nd LOD dated 21 November 2017 shows the applicant performed equivalent duties as authorized by AR 140-185 dated 3 August 2018, Table 2-3, rule 10 and rule 20. On 7 November 2017, the applicant obtained a new identification card and administrative duties as NCOIC on 9 and 21 November 2017. The applicant performed 8-hours of duty on each day where he conducted SW region administrative duties as NCOIC at the HQs, 22nd LOD to be awarded 2 retirement points for each day of duty, totaling 6 retirement points. Item 9d states the DA Form 1380 was a recreation and signed a second time after the fact and to see the letter dated 4 February 2023 for additional information and the certifying officer could not sign item 11 prior to the completion of duty. Item 10 shows the name of MSG L- B-, 22nd LOD Chief Paralegal, Retired. Item 11 shows initials.

hh. E-mail dated 25 April 2023 from the applicant's ARA to HRC which stated a Soldier had reported that he submitted several DA Forms 1380 for duty performed during the period of 2015 through 2017 for non-paid retirement points that were not processed due to administrative errors. The DA Forms 1380 were recreated and signed by a retired officer who was aware of the duty performed and had signed the original DA Forms 1380. The recreated DA Forms 1380 still had administrative errors, but the Soldier inquired if they could be submitted for non-paid retirement points. The ARA inquired if the errors were corrected and signed by the verifying officer could they be processed to update the Soldier's DA Form 5016.

5. On 6 May 2023, HRC responded to the inquiry stating the DA Forms 1380 could not be processed due to the recreation and without the direction of the ABCMR, and the original documents should be submitted to the ABCMR for adjudication.

6. On 8 November 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. The advisory official stated that after review of the documents the applicant provided, he should not be granted relief as the DA Forms 1380 were improperly prepared.

7. On 30 November 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment.

8. The applicant responded stating in effect, the DA Forms 1380 to be awarded 219 non-paid retirement points were submitted in accordance with the guidance of the 22nd LOD for processing. The forms were submitted through the unit ARA and approved by the Chief Paralegal, MSG B-. He had provided a statement from MSG B- dated 4 February 2023. When he originally submitted the DA Forms 1380 during the period of 2015 through 2017, he was never notified there were any administrative issues with the documents. It was only when he was reviewing his records years later did, he notice the retirement points were never awarded. By that time, he could only reproduce about half of the DA Forms 1380 that he originally submitted. He is requesting to be awarded 219 non-paid retirement points and not be penalized for administrative errors that he was not made aware of at the time of the original submission. The DA Forms 1380 were submitted and accepted by his unit and when he inquired about the status, he was advised the documents were good. It is troubling that the Army does not want to take care of a Soldier who had taken care of the Army by fulfilling his duties as he was asked.

#### 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 5 January 2016, 5 January 2017, and 5 January 2018. Therefore, the Board determined the applicant should be awarded 90.5 retirement points for the retirement year ending 5 January 2016, 77 retirement points for the retirement year ending 5 January 2017, and 58 retirement points for the retirement year ending 5 January 2018.

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

- 90.5 retirement points for the retirement year ending 5 January 2016
- 77 retirement points for the retirement year ending 5 January 2017
- 58 retirement points for the retirement year ending 5 January 2018

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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. 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 140-1 (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.

a. 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.

b. Paragraph 3–28 (Army correspondence courses), USAR Soldiers who cannot take part in Reserve duty training, or wish to augment this training, may enroll in Army correspondence courses. Retirement points will be credited at the rate of 1 point for each 3 credit hours of nonresident instruction successfully completed. Correspondence courses, when used by a unit as part of an IDT training schedule, will not be credited to the Soldier for retirement point credit. IDT pay is not authorized for correspondence courses.

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. 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. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points, with the exception of the 2 hour IDT funeral honors duty.

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
- Eight-hour rule; approved electronic-based distributed learning (EBDL) courses will be awarded to members of the Selected Reserve (TPU), subject to available funding, and as pre-approved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed

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 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.

e. Table 2-1 (Award of IDT retirement points) rule 5; performs electronic-based distance learning (EBDL) utilizing ATAs, a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule, only 12 ATAs authorized per anniversary year. Rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

f. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

g. Paragraph 3–4 (Electronic-based distance learning), Soldiers may only receive compensation and retirement credit for EBDL courses listed in ATRRS after command pre-approval. Additional EBDL for Reserve compensation are authorized only for SELRES Soldiers in the paid drill strength of the Army Reserve, including drilling IMA Soldiers. Periods of duty used to complete EBDL courses in lieu of regularly scheduled IDT periods will not exceed four periods per fiscal year. The commander, USARC reserves the right to authorize additional drill assemblies while the mandate is unfunded. No more than 12 total additional training assemblies will be performed by any one individual per calendar year. Commanders will ensure that coursework authorized for additional training periods for EBDL is not completed during any other type of training or duty periods. Each 4-hours of successfully completed qualifying EBDL coursework in lieu of regularly scheduled IDT periods will earn a Soldier credit for completion of one additional training period, paid, and one Reserve retirement point. For all training assemblies in excess of 12, a Soldier will earn one additional paid training period and one Reserve retirement point for each 8-hours of successfully completed qualifying EBDL coursework. These are categorized as IDT points and are subject to the annual limit on Reserve retirement points that may be credited in an anniversary year toward retired pay. For EBDL work that totals fewer than 4-hours (in lieu of regularly scheduled IDT periods) or 8 hours (ATA), Soldiers should aggregate the EBDL in multiples of 4-hours or 8-hours to establish IDT periods and determine eligibility for Reserve compensation and Reserve retirement points. Initiate payment only when a Soldier satisfactorily completes a directed EBDL course. Soldiers will not be awarded payment for EBDL completion until the Soldier is issued a DA Form 87 (Certificate of Training) or equivalent proof of completion. All EBDL courses list academic hours in ATRRS, which should be used to calculate compensation. Soldiers are awarded the academic hours listed in ATRRS regardless of the time actually required by the Soldier to complete the EBDL course. Units will record EBDL completion for which a Soldier is compensated on a DA Form 1380 as paid IDT.

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//