

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2024

DOCKET NUMBER: AR20230006907

APPLICANT REQUESTS: correction of her retirement points to reflect inclusion of service for points only performed for the retirement period covering January to November 2020 for the retirement year ending 14 December 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Memorandum of Lateness in Reporting Retirement Points Non-Paid Inactive Duty Training, 22 November 2022
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 8 January 2022

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, she performed her duties with her unit for retirement points, but they were not submitted in a timely manner.
3. A review of the applicant's available service reflects the following:
  - a. On 30 June 2016, having had prior commissioned service as a U.S. Army Reserve (USAR) officer, and Regular Army commissioned officer, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army.
  - b. DA Form 5016 (Retirement Accounting Statement) dated 13 January 2024 shows for the retirement year ending on 14 December 2020, the applicant earned 14 Inactive Duty Training (IDT) points, 15 membership points, totaling 29 total points creditable.

c. She continues service with the USAR

4. The applicant provides the following:

a. Memorandum, Subject: Memorandum of Lateness in Reporting Retirement Points Non-Paid Inactive Duty Training, dated 22 November 2022 stating, in effect, the DA Forms 1380 are submitted for late processing due to COVID-19 restrictions at the time of training.

b. DA Forms 1380 dated 8 January 2022, signed by lieutenant colonel (LTC) K- H-, showing the applicant completed administrative duties and drill day training on the following dates:

(1) On 25 and 26 January 2020, for 8 hours each, totaling 4 retirement points.

(2) On 8 and 9 February 2020, for 8 hours each, totaling 4 retirement points.

(3) On 13 and 14 June 2020, for 8 hours each, totaling 4 retirement points.

(4) On 11 and 12 July 2020, for 8 hours each, totaling 4 retirement points.

(5) On 15 and 16 August 2020, for 8 hours each, totaling 4 retirement points.

(6) On 12 and 13 September 2020, for 8 hours each, totaling 4 retirement points.

(7) On 13, 14 and 15 November 2020, for 8 hours each, totaling 6 retirement points.

5. On 10 October 2023, the United States Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request stating, in effect, they reviewed the applicant's documents and determined she should be awarded 30 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

6. On 12 October 2023, the applicant was provided with a copy of the advisory opinion for review and comment. She 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 that the evidence supports relief. The Board determined the applicant should be awarded the retirement points documented on the provided DA Forms 1380 for the periods indicated.

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 reflect credit for the retirement points shown on the DA Forms 1380 documenting service on:

- 25 and 26 January 2020, 8 hours each, 4 retirement points
- 8 and 9 February 2020, 8 hours each, 4 retirement points
- 13 and 14 June 2020, 8 hours each, 4 retirement points
- 11 and 12 July 2020, 8 hours each, 4 retirement points
- 15 and 16 August 2020, 8 hours each, 4 retirement points
- 12 and 13 September 2020, 8 hours each, 4 retirement points
- 13, 14 and 15 November 2020, 8 hours each, 6 retirement points

X

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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. 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 Inactive Duty Training (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//