

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2024

DOCKET NUMBER: AR20230008135

APPLICANT REQUESTS: retirement points' credit for battle assembly dates of 18 April 2020 through 19 April 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Training Schedule From: 3/1/2020 12:00:00 AM To: 3/31/2020 11:59:59 PM
- Unit FY20 Battle Assembly and Annual Training Dates

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 he is missing retirement points for battle assembly dates of 18 April 2020 through 19 April 2020. He was not credited his retirement points during a "virtual drill" during the COVID pandemic. They were not physically present but were still required to be available for contact and were on battle assembly orders for that weekend. This was likely an oversight by the unit due to the pandemic. He didn't catch it until recently, having previously assumed that his points were good for that year. He realizes that this is something that should have been caught earlier. As we know, the pandemic caused all manner of trouble, and mistakes were made both by his unit for failing to enter him into the system on those dates as well as his for not checking as he simply did the chaplain thing and assumed that things were done right. However, he does ask that this be corrected in order to save his good year as he is trying hard to finish his career due to being in close proximity to retirement. I have additional family and career pressures making the extra year more difficult to complete. He attempted to fix this with a 1380 signed by his Battalion Commander, but S1 redirected him here.

3. Review of the applicant's service records shows:

- a. He was born in [REDACTED] and will turn 60 in [REDACTED]

b. He had prior enlisted service in the Regular Army from January 1997 to January 2001 and in the Army National Guard from July 2001 to July 2003.

c. He was appointed a Reserve commissioned officer of the Army and executed an oath of office on 12 February 2001.

d. He was appointed as a Reserve Chaplain in June 2012. He served in a variety of assignment sand he was promoted to major in June 2021.

e. His DA Form 5016 (Retirement Accounting Statement) dated March 2023 shows he has completed 17 years and 5 months of qualifying years of service towards non-regular retirement. A breakdown of his relevant anniversary years is as follows:

BEGIN DATE	END DATE	MIL PER CLASS	SERVICE TYPE	INACTIVE DUTY POINTS	EXT COURSE POINTS	MEMBER -SHIP POINTS	ACTIVE DUTY POINTS	QUALIFYING FOR RETIREMENT			POINTS EARNED	POINTS CREDIT-ABLE
								YRS	MOS	DAYS		
20210212	20220211	O	TPU	60	0	15	10	01	00	00	85	85
20220212	20221113	O	TPU	24	0	11	0	00	00	00	35	35
20221114	20230211	O	TPU	12	0	4	0	01	00	00	16	16
20230212		O	TPU	0	0	0	14	00	00	00	14	14

4. On 19 January 2024, the U.S. Army Reserve Command (USARC), Fort Liberty, NC provided an advisory opinion in the processing of the applicant’s case. The advisory official stated USARC reviewed the applicant’s documents and determined he should not be awarded any points based off AR 140-185 (Army Reserve - Training and Retirement Point Credits and Unit Level Strength Accounting Records). The Soldier must provide proper documentation that supports his request. This would normally be a copy of the DA Form 1380, Record of Individual Performance of Reserve Duty Training, signed by an officer with knowledge of duty performed. No administrative relief granted.

5. The applicant was provided with a copy of this advisory opinion with ample time to submit a rebuttal and/or the requested DA Form 1380. 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 not 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 US Army Reserve Command – Soldier Programs Branch, the Board concurred with the advising official recommendation determining there is insufficient evidence to award the applicant points in accordance with regulatory guidance. The Board determined the applicant’s records are absent the proper documentation of a signed DA Form 1380 for duty performed. Based on the insufficient supporting documentation and advising opine, the Board denied relief.

BOARD VOTE:

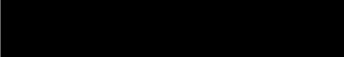
Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/8/2024

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.

REFERENCES:

1. Title 10, U.S. Code, 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. Army Regulation 140 – 185 Army Reserve Training and Retirement Point Credits and Unit Level Strength Accounting Records, contains Army policy for U.S. Army Reserve (USAR) training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. Paragraph 3-3 addresses the DA Form 1380.

a. The purpose of this form is to record IDT (inactive duty training) by—

(1) TPU (Troop Program Unit) Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of HRC (U.S. Army Human Resources Command) who are attached for retirement points only to USAR TPUs, ARNG (Army National Guard) units, or to another Service or component for training per AR 140–10. 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. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in table 2–3.

b. DA Form 1380 will be prepared for a unit Soldier who performs ET (Equivalent Training) or additional training with their unit subsequent to the scheduled BA (Battle Assembly). TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS (Automated Drill Attendance Reporting Software) for (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. DA Form 1380 will be scanned into the Soldier's iPERMS by the unit of assignment per AR 600–8–104.

//NOTHING FOLLOWS//