

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230009002

APPLICANT REQUESTS:

- reevaluation of his creditable service performed from 6 July 1987 – 7 July 1994
- reevaluation of his creditable service performed from 1999 - 2012

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 (Chronological Statement of Retirement Points)
- Detailed Points History

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 that his qualifying service credit for the period of 6 July 1987 – 7 July 1994, while serving in the Army National Guard is inaccurate. He further contests that the Detailed Points History reflected on the U.S. Army Human Resources Command (AHRC) website contains evidence of qualifying service performed that is not reflected on his DA Form 5016 for the period of 1999-2012.
3. A review of the applicant's available service records reflects the following:
 - a. On 7 July 1986, the applicant was appointed a Reserve commission.
 - b. On 23 October 1986, the National Guard Bureau (NGB) issued Special Orders Number 205 AR announcing Federal recognition of the applicant's appointment in the ARARNG, effective 22 August 1986.
 - c. On 6 August 1994, the applicant was discharged from the ARNG as a commissioned officer and subsequently enlisted in the ARNG.

d. On 23 June 1999, the applicant was released from the ARNG and transferred into the U.S. Army Reserve (USAR)

e. On 11 August 2005, the applicant was issued a Notification of Eligibility for Retired Pay at Age 60 (Twenty-Year letter).

f. On 13 August 2012, Headquarters, 81st Regional Support Command issued Orders Number 12-226-00006 reassigning the applicant to the Retired Reserve, effective 12 September 2012.

4. The applicant provides the following a:

a. DA Form 5016 dated 27 April 2023 reflective of the applicant's qualifying service performed from 15 June 1983 – 13 September 2012. The applicant notes that his points during the Retirement Year Ending (RYE) July 1987 and July 1989 – July 1998 are inaccurate. However, he does not define what errors were made or what additional points need to be applied.

b. Detailed Points History reflective of the applicant's qualifying service (Inactive Duty Training (IDT) and Active-Duty Training (ADT)) performed between August 1999 and July 2012. However, he does not define what points are not reflected on his DA Form 5016 or what additional periods need to be applied.

5. On 5 February 2024, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending disapproval of the applicant's request noting he received the correct number of points for each 12-month period from 7 July 1986 – 6 July 1997. The applicant retired from the USAR on 13 September 2012. After review of the applicant's available service records, it was noted that his creditable service (retirement points) obtained during his service in the ARNG from 7 July 1987 – 7 July 1995 are correct. In accordance with National Guard Regulation (NGR) 680-2 (Automated Retirement Points Accounting Management), Paragraph 2-3 (Award of Retirement Points for Service on or After 1 July 1949) "Soldiers cannot accrue more than 60 retirement points in a 12-month period for inactive duty training, membership points and extension courses prior to 23 September 1996."

6. On 6 February 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 17 April 2024, the applicant has not responded.

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 applicant's

contentions, the military record, and regulatory guidance were carefully considered. The applicant essentially requests adjustment to retirement points calculations. The evidence shows he retired 13 September 2012 from the USAR. He contends that on his DA Form 5016, his retirement points from 7 July 1987 to 7 July 1994 are calculated incorrectly. During this time the applicant was a member of the ARARNG. The Board reviewed and agreed with the NGB's determination that the calculation of retirement points from 7 July 1987 to 7 July 1995 is correct. Per NGR 680-2, soldiers cannot accrue more than 60 retirement points in a 12-month period for inactive duty training, membership points and extension courses prior to 23 September 1996. Furthermore, if the applicant believes his DA form 5016 while he was in the USAR from 1999 to 2012 is incorrect, he should first address this issue with the USARC G-1 and/or HRC by providing official documentary evidence for each retirement point being contested.

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.

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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. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) (15 May 1987), in effect during this period 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. Chapter 2 (Crediting and Awarding of Retirement Points) provides that there are limitations on the number of points which may be credited to a Soldier during a retirement year. The maximum number of points for IDT performed is 60 points for IDT and 15 membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned.

b. 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.

c. 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)).

d. 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.

3. NGR 680-2 (Automated Retirement Points Accounting Management) (1 March 1989) in effect at that time provides award of active service retirement points for active duty and Full-Time National Guard Duty (FTNGD) of all types, whether paid or non-paid, and regardless of purpose at the rate of one point per day. Paragraph 2-4 (Award of Retirement Points for Service on or After 1 July 1949) provides that for active status in a Reserve component, a total of 60 retirement points per year will be awarded for all IDT and/or membership, without regard to the number of assemblies actually performed. All retirement points earned will be entered in the RPAS record. Total points creditable for retired pay will not exceed 365 (or 366 in a leap year) for each retirement year, subject to other limitations in this regulation.

In August 2011, this regulatory guidance was changed pertaining to IDT Retirement Points creditable in an Anniversary Year. Table 2-1 provides the following:

- Before 23 September 1996 – maximum of 60 IDT points
- 23 September 1996 -30 October 2000 – maximum of 75 IDT points
- 30 October 2000 – 30 October 2007 – maximum of 90 IDT points
- 30 October 2007 – present – maximum of 130 points

4. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//