IN THE CASE OF: ▮▮▮▮▮▮▮▮▮▮

BOARD DATE: 10 April 2024

DOCKET NUMBER: AR20230009013

<u>APPLICANT REQUESTS:</u> in effect, correction of his record to show the submitted DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 30 September 2022 was accepted and added to his record for the anniversary year of 6 March 2022 to 13 November 2022.

<u>APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:</u>

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380, 30 September 2022

<u>FACTS:</u>

1. The applicant states September 2022 retirement points need to be added to his retirement points record. His current retirement points record is missing September 2022.

2. A review of the applicant's official military records show the following:

    a. He enlisted in the Regular Army on 31 July 1986.

    b. On 27 July 1989, he was honorably released from active duty and transferred to his ▮▮▮▮▮▮ Army National Guard (▮▮ARNG) unit.

    c. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) show on:

    - 28 July 1989, he enlisted in the ▮▮ARNG
    - 7 November 1989, he enlisted in the U.S. Army Reserve (USAR)
    - 25 October 1994, he reenlisted in the USAR
    - 5 October 1997, he reenlisted in the USAR
    - 16 September 2002, he reenlisted in the USAR
    - 29 January 2010, he reenlisted in the USAR

   d. On 12 April 2007, the U.S. Army Human Resources Command (HRC) issued the applicant a Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter).

   e. His record contains DA Form 5016 (Retirement Accounting Statement) dated 29 February 2024, which shows the applicant's total career retirement points earned as 1633 Inactive Duty Training (IDT), 146 extension course, 510 membership, 6479 Active Duty Training (ADT), 37 years qualifying for retirement, 8585 points earned and 8389 points creditable. In pertinent part, it also shows for the completed anniversary year of 6 March 2022 to 13 November 2022, he earned the following retirement points:

- 30 IDT points
- 10 membership points
- 47 ADT points
- 8 months and 9 days qualifying for retirement
- 87 points earned
- 87 points creditable

   f. DA Form 5016 (Chronological Statement of Retirement Points) dated 21 March 2024, shows in pertinent part, a total of 1483 IDT points, 146 extension course points, 481 membership points, 5914 ADT points, 35 years, 1 month, and 7 days qualifying for retirement, and 7654 points creditable. It does not show retirement points for the anniversary year in question.

3. The applicant provides DA Form 1380 dated 30 September 2022, which was submitted for points only during the completed anniversary year of 6 March 2022 to 13 November 2022. The form is signed by the 1189th Transportation Surface, Brigade Commander, Colonel ████████ and shows the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 6 September 2022 – 4 hours, N-1 (nonpaid), Command Sergeant Major Conference Call, Performed Administrative Duties, Working from HOR [home of record], Totaling: 1 point
- 8, 13, 15, 20, 22, 26 and 29 September 2022 – 4 hours each day, N-1 (nonpaid), Performed Administrative Duties, Work from HOR, Totaling: 7 points

4. On 22 November 2023, the Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and recommended granting full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined he should be awarded eight (8) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). Full administrative relief granted.

5. On 4 December 2023, the applicant was provided a copy of the USARC advisory opinion for comments 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, US Army Reserve Command- Soldier Programs Branch advisory opinion, the Board concurred with the advising official recommendation finding after review the applicant provided sufficient documentation warranted award of eight (8) points based on regulatory guidance 140-185. The Board granted relief for correction of the applicant's record to show the submitted his DA Form 1380, dated 30 September 2022, was accepted and added to his record for the anniversary year of 6 March 2022 to 13 November 2022.

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 showing the applicant submitted his DA Form 1380, dated 30 September 2022, was accepted and added to his record for the anniversary year of 6 March 2022 to 13 November 2022.

4/11/2024

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. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- 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) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

   a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, a qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

   b. 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.

   c. Paragraph 3-3b (DA Form 1380) states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. Troop Program Units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (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.

<div align="center">//NOTHING FOLLOWS//</div>