

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2024

DOCKET NUMBER: AR20230009020

APPLICANT REQUESTS: in effect, correction of his retirement points for Retirement Year Ending (RYE) 2016 to add 14 points for the year.

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

- DD Form 149 (Application for Correction of Military Record)(online)
- Three DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Screen Shot Emails (x2)
- Commander Memorandum, Subject: Subject: Exception to Policy Retirement Points
- Email
- Screen Shot IPPS-A/Personnel Action Request (PAR)

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:

a. In 2016 he was told there was no funding for extended combat training (ECT) and that he could perform duties for points only to complete a good retirement year. He performed rescheduled training (RST) duties as suggested for points only. However, the points were not processed in 2016 due to no Army Reserve Administrator/ Unit Administrator (ARA/UA) and the company commander was on an overseas deployment. Due to no fault of the applicant, his DA Forms 1380 for 14 points were not processed and he is currently missing 14 retirement points. During a records review of his DA Form 5016 (Chronological Statement of Retirement Points), he discovered that 14 points were missing from his records.

b. During a comprehensive unit records review, it was determined that he had performed and submitted the appropriate documentation. Due to no fault of his own his DA Form 1380 documents were not processed by the unit for retirement points credit. This was a failure on the unit not the Soldier. During this same time period, he was also not paid for 12 months due to failure in the pay system. During this period, he continued to attend drill and perform all duties assigned even though he was not getting paid. Once he discovered he was missing retirement points, he took immediate action to correct the discrepancy.

c. In 2022, he consulted his battalion and was told to submit a request through the regional level application system (RLAS) system. Over a three-month period, the applicant made several inquiries regarding the status of his retirement points correction. After three months with no resolution, he was told by his battalion that they had given him incorrect information on where to send the points correction request. The battalion then told him to submit a point correction request through IPPS-A PAR system to the U.S. Human Resources Command (HRC). He immediately submitted a request in February of 2023 through IPPS-A PAR to HRC. Again, he made several inquiries over the next 90 Days including writing email to HRC.

d. In an email exchange with HRC, he was told that HRC was behind in processing points corrections, and it would take 120 days to process his request. In June 2023 his battalion informed him they had made another mistake in where to send the points correction request. His battalion informed him that the RD office was the correct office to send points only request for the Troop Program Units and in June of 2023 a request was sent to RD to update the applicant's missing points. After two weeks he was once again told that RD could not update the points and that a request through the board of correction would need to be submitted. He has done everything in his power and has exhausted all unit procedures to correct this problem.

3. The applicant provides:

a. DA Form 1380, 5 June 2016, shows he completed points only for training for the following days:

- 4 June 2016, 8 hours, Naval Air Station Joint Reserve Base (NASJRB), Fort Worth, TX – 2 points
- 5 June 2016, 8 hours, NASJRB, Fort Worth– 2 points

b. DA Form 1380, 27 July 2016, shows he completed points only for training for the following days:

- 16 July 2016, 8 hours, NASJRB, Fort Worth– 2 points
- 17 July 2016, 8 hours, NASJRB, Fort Worth– 2 points

- 26 July 2016, 8 hours, NASJRB, Fort Worth– 2 points
  - 27 July 2016, 8 hours, NASJRB, Fort Worth– 2 points
- c. DA Form 1380, 17 August 2016, shows he completed points only training:
- 9 August 2016, 4 hours, NASJRB, Fort Worth– 1 point
  - 17 August 2016, 4 hours, NASJRB, Fort Worth– 1 point
- d. Screen shot of an email; 10 November 2022 shows an action was created on the applicant's behalf for points only from 2016.
- e. Email, 1 June 2023, shows the applicant had an IPPS\_A PAR pending for retirement point correction. He needed his DA Form 5016 updated to reflect his years in service in order to receive a 20-year letter.
- f. In connection with IPPS-A, a Personal Action Request (PAR) was requested on 28 June 2023, for an administration record correction for DA form 1380 points only.
- g. Memorandum, Subject: Exception to Policy to Army Regulation 140-185 (Training and retirement Point Credits and Unit Level Strength Accounting Records), 10 November 2022 shows points failed to be updated for duty performed by the applicant. A packet was submitted.
- h. Screen shot of an email, 24 March 2023 shows an exchange with U.S. Human Resources Command (HRC), in which he was told that HRC was behind in processing points correction, and it would take 120 days to process his request.
4. Review of the applicant's service record shows:
- a. The applicant entered active duty on 29 November 1985. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably discharged on 13 March 1989 and ordered to active duty as a commissioned or warrant officer. He completed 3 years, 3 months, and 15 days net active service.
- b. He served continuously in the U.S. Army Reserve (USAR) as a Warrant Officer.
- c. DA Form 5016, 14 June 2016 shows beginning on 17 September 1995 and ending on 9 March 2007, the applicant was awarded 617 total points creditable.
- d. DA Form 5016, 4 December 2024 shows beginning on 17 September 1985 and ending on 4 November 2024, the applicant was awarded 5041 total points creditable.
- e. He remains in the Active Army Reserve.

5. In the processing of this case an advisory opinion was obtained on 27 February 2024 from the Chief, Soldiers Programs Branch, U.S. Army Reserve Command (USARC), who opined in pertinent part:

a. USARC reviewed the applicant’s documents and determined he should be awarded 28 points based of AR 140-185. His points were not updated for duty performed. The unit did not have an Army Reserve administrator at the time, and this contributed to the inaccuracy. A favorable decision from the Army Review Boards Agency (ARBA) would allow the RDs to update the points in IPPS-A

b. Full administrative relief granted.

6. On 6 March 2024, the applicant was provided with a copy of the advisory opinion with an opportunity to respond. No response was received.

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.

2. The Board carefully considered the applicant’s contentions, his record of service, the DA Forms 1380 he provided and the review and recommendation of the USARC advising official. The Board found that, due to the status of his unit’s AR administrator, his DA Forms 1380 were not processed in a timely manner. The Board concurred with the recommendation of the advising official and based on a preponderance of evidence, determined that a records correction was warranted as described in the advisory opinion to correct an error.

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 show his DA Forms 1380 were timely submitted and processed and by adding an additional 28 qualifying retirement points to his Chronological Statement of Retirement Points for Retirement Year Ending (RYE) 2016

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 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) Chapter 2: Paragraph 2-4a states personnel on active duty, Active Duty Training (ADT), Inactive Duty Training (IADT), involuntary ADT, or Annual Training (AT) are awarded one 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. A maximum of two retirement points may be credited for attendance at unit Battle Assemblies (BA) or IDT in any 1 calendar day.

//NOTHING FOLLOWS//