

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 April 2024

DOCKET NUMBER: AR20230009318

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 12 August 2022 was accepted and added to his record for the anniversary year of 3 July 2022 to 13 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380, 12 August 2022
- Email communication(s), 14 August, 20 November, 6-7 December 2022, 17, 23-24 February 2023, 24 May 2023

FACTS:

1. The applicant states:

a. Seventeen (17) retirement points earned through points-only Inactive Duty Training (IDT) from 3 August 2022 through 12 August 2022 are missing from his Integrated Personnel and Pay System-Army retirement points record. He intends to retire from the Army effective 1 January 2024 and those points should be promptly credited.

b. His request for points credit and DA Form 1380 were submitted promptly to the responsible Troop Program Unit (TPU) staff for processing on 14 August 2022, and status inquiries were made over seven months suggesting the request was still being processed. Subsequent guidance from the G-1 revealed that because the TPU failed to process the request within the first 60 days, the only recourse was through a request to the Army Review Boards Agency (ARBA).

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

a. Having prior U.S. Army Reserve (USAR) enlisted service, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed an oath of office on 29 August 1994.

b. On 12 February 2003, DA Form 61 (Application for Appointment) shows he requested to be released from the Medical Service Branch with concurrent reappointment in the Civil Affairs Branch.

c. DA Form 71 shows he was appointed as a Reserve commissioned officer in the rank/grade of captain (CPT/O-3 and executed an oath of office on 17 March 2003.

d. On 4 August 2011, 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. On 5 October 2023, the Department of the Army published Orders Number 0006218217.00, which assigned the applicant to the USAR Retired Reserve, effective 1 January 2024.

f. His record contains DA Form 5016 (Retirement Accounting Statement) dated 28 February 2024, which shows the applicant's total career retirement points earned as 1438 IDT, 166 extension course, 487 membership, 4751 Active Duty Training (ADT), 31 years, 5 months, and 29 days qualifying for retirement, 6842 points earned and 6685 points creditable. In pertinent part, it also shows for the completed anniversary year of 3 July 2022 to 13 November 2022, he earned the following retirement points:

- 18 IDT points
- 6 membership points
- 19 ADT points
- 4 months and 12 days qualifying for retirement
- 43 points earned
- 43 points creditable

g. DA Form 5016 (Chronological Statement of Retirement Points) dated 21 March 2024, shows in pertinent part, a total of 1287 IDT points, 219 extension course points, 465 membership points, 4705 ADT points, 31 years qualifying for retirement, and 6483 points creditable. It does not show retirement points for the anniversary year in question.

3. The applicant provides:

a. DA Form 1380 dated 12 August 2022, which was submitted for points only during the completed anniversary year of 3 July 2022 to 13 November 2022. The form is signed by the Team Leader, Lieutenant Colonel [REDACTED] and shows the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 3 August 2022 – 8 hours, N-2 (nonpaid), "PANAMAX 22", U.S. Southern Command (SOUTHCOM), Miami, FL; totaling: 2 points
- 4 August 2022 – 8 hours, N-2 (nonpaid), PANAMAX 22, Fingerprinting, SOUTHCOM, Miami, FL; totaling: 2 points
- 5 August 2022 – 8 hours, N-2 (nonpaid), PANAMAX 22, SOUTHCOM, Miami, FL; totaling: 2 points
- 6 and 7 August 2022 – 4 hours each day, N-1 (nonpaid), PANAMAX 22, clearance data, SOUTHCOM, Miami, FL; totaling: 2 points
- 8,9 and 10 August 2022 – 8 hours each day, N-2 (nonpaid), PANAMAX 22, CAPT admin, SOUTHCOM, Miami, FL; totaling: 6 points
- 11 August 2022 – 8 hours, N-2 (nonpaid), PANAMAX CAT After Action Review, CAPT admin, 350th STUB, SOUTHCOM, Miami, FL; totaling: 2 points
- 12 August 2022 – 4 hours, N-1 (nonpaid), PANAMAX 22, badge out, CAPT admin, SOUTHCOM, Miami, FL; totaling: 1 point

b. Email communication(s) dated 14 August 2022 through 24 May 2023, between the applicant, G-1 Sergeant Major, First Sergeant and Unit Administrator discussing the status of the applicant's DA Form 1380 for points only and referral to the ARBA for processing.

4. On 28 December 2023, Headquarters, USAR 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 17 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted DA Form 1380 for points for duties performed outside of the scheduled Battle Assembly. Due to the Unit's administrative errors, it could not be processed in a timely manner. A favorable decision will allow the Readiness Divisions to process the DA Form 1380 for retirement points. Full administrative relief granted.

5. On 5 January 2024, the applicant was provided a copy of the USARC advisory opinion to allow 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 (USARC)- Soldier Program Branch advisory opinion, the Board concurred with the advising official recommendation finding the applicant should be awarded 17 points based on regulatory guidance 140-185. The Board agreed the applicant submitted his DA Form 1380 for points for duties performed outside of the scheduled Battle Assembly. Based on this, the Board granted relief for correction of the applicant's record to show the submitted DA Form 1380 dated 12 August 2022 was accepted and added to his record for the anniversary year of 3 July 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 to show the applicant submitted his DA Form 1380 dated 12 August 2022 which was accepted and added to his record for the anniversary year of 3 July 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.

//NOTHING FOLLOWS//