

IN THE CASE OF: ██████████

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230009349

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 30 November 2022, 31 December 2022, 31 January 2023, 28 February 2023, and 31 March 2023, were accepted and added to his record for the anniversary years of –

- 19 January 2022 to 6 May 2022
- 7 May 2022 to 13 November 2022
- 14 November 2022 to 18 January 2023
- 19 January 2023 to 18 January 2024

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

- DD Forms 149 (Application for Correction of Military Record)
- DA Forms 1380, 30 November 2022, 31 December 2022, 31 January 2023, 28 February 2023, and 31 March 2023

FACTS:

1. The applicant states he is submitting the following DA Forms 1380 for points only. He is currently the battalion commander of the 419th CSSB (Combat Support Sustainment Battalion). His battalion is composed of 6 companies and over 500 Soldiers. His role as battalion commander requires a lot of uncompensated time. He is submitting these DA Forms 1380 for points to ensure he is receiving credit for uncompensated time and effort.

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

a. Having prior service as a Reserve Officers' Training Corps Cadet, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office on 17 May 1997.

b. He served on active duty from 17 May 1997 to 16 May 2001.

c. On 17 May 2001, National Guard Bureau (NGB) Form 337 (Oaths of Office) shows he was appointed as captain (CPT)/O-3 in the [REDACTED] Army National Guard ([REDACTED] ARNG) and executed his oath of office.

d. On 1 December 2003, he was released from the [REDACTED] ARNG by reason of resignation and was transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement). NGB Form 22 (Report of Separation and Record of Service) shows he completed 2 years, 6 months, and 15 days net service this period.

e. It appears the applicant had a break in military service from on or about 15 July 2005 to 18 January 2010.

f. On 19 January 2010 –

- DA Form 71 shows he was appointed as a Reserve commissioned officer and executed his oath of office
- NGB Form 337 shows he was appointed as a CPT in the [REDACTED] ARNG ([REDACTED] ARNG) and executed his oath of office

g. On 4 August 2013, he was released from the [REDACTED] ARNG by reason of resignation and was transferred to the USAR Control Group (Reinforcement). NGB Form 22 shows he completed 3 years, 6 months, and 16 days net service this period.

h. On 29 August 2013, the U.S. Army Human Resources Command published Orders Number C-08-312344, which released the applicant from the USAR Control Group (Reinforcement) and assigned him to his USAR unit, effective 27 August 2013.

i. His record contains DA Form 5016 (Retirement Accounting Statement) dated 17 February 2024, which shows the applicant's total career retirement points earned as 761 Inactive Duty Training (IDT), 272 membership, 2279 Active Duty Training (ADT), 20 years qualifying for retirement, 3312 points earned and 3287 points creditable. In pertinent part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 19 January 2022 to 6 May 2022 – 14 IDT, 4 membership, 14 ADT, 3 months and 19 days qualifying for retirement, 32 points earned and 32 points creditable
- 7 May 2022 to 13 November 2022 – 37 IDT, 8 membership, 37 ADT, 6 months and 8 days qualifying for retirement, 82 points earned and 82 points creditable
- 14 November 2022 to 18 January 2023 – 22 IDT, 3 membership, 9 ADT, 2 months and 5 days qualifying for retirement, 34 points earned and 34 points creditable

- 19 January 2023 to 18 January 2024 – 140 IDT, 15 membership, 29 ADT, 1 year qualifying for retirement, 184 points earned and 159 points creditable

j. Page 2 and 3 of the DA Form 5016 dated 17 February 2024 appear to show that the applicant has been paid and/or received retirement points credit for the following date(s):

- 19 and 31 January 2023
- 1, 6, 7, 9, 12, 14, 17, 18, 21 and 22 March 2023
- 19 April 2023

k. DA Form 5016 (Chronological Statement of Retirement Points) dated 3 April 2024, shows, in pertinent part, a total of 535 IDT points, 242 membership points, 2184 ADT points, 18 years and 1 day qualifying for retirement, and 2961 points creditable. It does not show retirement points for three of the anniversary years in question; however, it shows for the completed anniversary year 19 January 2021 to 18 January 2022, he earned:

- 45 IDT points
- 15 membership points
- 14 ADT points
- 1 year qualifying for retirement
- 74 total points creditable

3. The applicant provides DA Forms 1380 dated 30 November, 31 December 2022, 31 January, 28 February, and 31 March 2023, which were submitted for points only for the completed anniversary years from 19 January 2022 to 18 January 2024. The forms are signed by the company commander, Captain [REDACTED] and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 2 May 2022 – 4 hours, N-1 (nonpaid), San Diego, CA - Email, CoC (Change of Command) Prep, Totaling: 1 point
- 3 to 5 May 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, CoC Prep, Phone Call with Brigade Commander, Totaling: 3 points
- 16 to 23 May 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Phone Calls with Staff, Company Commanders, Colonel (COL) [REDACTED] Command Sergeant Major (CSM), Command Memos, FLIPL, Evaluations, AT Prep, Meetings with Staff, Mr. [REDACTED] XO, and SPO, Totaling: 8 points
- 6 to 11 June 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, DTMS, DEOCs, FLIPL, Meetings with Staff, CSM,

- and Company Commander, Phone Calls with Staff, Company Commanders and COL [REDACTED] Totaling: 6 points
- 13 to 15 June 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, FLIPL, SHARP, Recruiting and Retention, Phone Calls with CSM and Staff, Totaling: 3 points
 - 18 to 20 June 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, HRC Board, Evaluations, IPPS-A, ARB, EO Follow Up, Totaling: 3 points
 - 1 to 3 July 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, MFGI Prep, Meeting with Staff, Totaling: 3 points
 - 6 to 8 July 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, CSMM, IPPS-A, Phone Calls with Staff, Company Commanders and Brigade, Totaling: 3 points
 - 11 to 15 July 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, CSMM, IPPS-A, Evaluations, ACFT Prep, Meeting with Commanders, Staff, Phone Calls with 653 Staff, Company Commanders, Totaling: 5 points
 - 17 July 2022 – 4 hours, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, SHARP Follow Up, Totaling: 1 point
 - 3 to 7 September 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, IPPS-A Training, Counseling, Evaluations, Phone Calls with Company Commander and Staff, Totaling: 5 points
 - 12 to 16 September 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, SHARP Follow up, IPPS-A Training, DRAW's Review, Evaluations, Phone Calls with COL [REDACTED] SSA, Staff and CSM, Totaling: 5 points
 - 22 and 23 September 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, SHARP Follow up, Evaluations, Phone Call with 311th ESC, Totaling: 2 points
 - 1 to 7 October 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Mandatory EEO, Anti-Harassment and No FEAR virtual training, Email, Counseling, Phone Calls with CSM, COL [REDACTED] COL [REDACTED] CPT [REDACTED] CPT [REDACTED] reference: Family Day, S1, S3, S4, and Mr. [REDACTED] Totaling: 7 points
 - 10 to 12 October 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Phone Calls with Mr. [REDACTED] and CSM, EO Complaint follow up, Totaling: 3 points
 - 30 and 31 October 2022 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, EO Complaint follow up, Command Call with Company Commander and First Sergeants, Totaling: 2 points

- 5 to 7 December 2022 – 4 hours each day, N-1 (nonpaid), 17159 Cloudcroft, Poway, CA - Email, Counseling, Evaluation, Phone Calls with CSM, CPT [REDACTED] and Brigade Commander, MFGI Prep, YTB Prep, Totaling: 3 points
- 27 to 31 December 2022 – 4 hours each day, N-1 (nonpaid), 17159 Cloudcroft, Poway, CA 92064 - Email, Counseling, Evaluation, Phone Calls with COL [REDACTED] and CSM, MFGI Prep, YTB Prep, Follow Up with COL [REDACTED] on open door policy, Totaling: 5 points
- 5, 6, 9, 10, 11, 12, 13, 17, 18, 19 and 31 January 2023 – 4 hours each day, N-1 (nonpaid), 17159 Cloudcroft, Poway, CA - Email, Counseling, Evaluations, DTMS, CSMM, Phone Calls with COL [REDACTED] and CSM reference YTB Prep and Evaluations, Phone Calls with CSM and CPT [REDACTED] Phone Call with COL [REDACTED] on YTB slide changes, Green Tab Call, MFGI Prep, YTB Prep, Follow Up with COL [REDACTED] on open door policy and 163rd training schedule, Totaling: 11 points
- 2, 3, 4, 6, 7, 9, 13, 14, 17, 18, 21 and 22 February 2023 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, Medical and Administrative Readiness, DTMS, CSMM, Soldier Pay Discrepancy, Phone calls with CSM, CPT [REDACTED], and COL [REDACTED] Green Tab Call, MFGI Prep, YTB Prep, Follow up with COL [REDACTED] on open door policy and 163rd training schedule, Assisted 1017th QM Co with administrative tasks, Totaling: 12 points
- 1, 6, 7, 9, 12, 14, 17, 18, 21 and 22 March 2023 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, Medical and Administrative Readiness, Work on AT Prep, DTMS, CSMM, Soldier Pay Discrepancy, Phone calls with CSM, 968 AGR staff, and XO, MFGI Prep, YTB Prep, Follow up with COL [REDACTED] on Culture/Climate survey and 163rd training schedule, Follow up with COL [REDACTED] Assisted 1017th QM Co with administrative tasks, Totaling: 10 points
- 3, 4, 5, 6, 13, 18, 19, 24, 25, 26, 27 and 28 April 2023 – 4 hours each day, N-1 (nonpaid), San Diego, CA - Email, Counseling, Evaluations, Medical and Administrative Readiness, Work on AT Prep, DTMS, CSMM, Soldier Pay Discrepancy, Phone calls with CSM, XO, COL [REDACTED] 340 AGR staff and 478 staff, MFGI Prep, YTB Prep, Follow up with COL [REDACTED] on MFGI resource request, Follow up with COL [REDACTED], Follow up with MAJ [REDACTED] on 1017th training schedule, Green Tab call, Assisted 968 QM Co with administrative tasks, R2PC call with 6th Brigade, Totaling: 12 points

4. On 8 November 2023, the Chief, Soldier Programs Branch, U.S. Army Reserve Command (USARC), 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 115 points based off

Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

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:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board concurred with the advisory official’s conclusion that the evidence supports the relief the applicant has requested. The Board determined the DA Forms 1380 provided by the applicant in support of his application should be processed and the retirement points documented on the forms should be added to his record.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
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■	■	■	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 processing the DA Forms 1380 provided by the applicant in support of his application and adding the retirement points documented on the forms to his record.

9/3/2024

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 U.S. Army Human Resources Command for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//