

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 April 2024

DOCKET NUMBER: AR20230009362

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

- 3 November 2019 to 2 November 2020
- 3 November 2020 to 2 November 2021
- 3 November 2021 to 2 November 2022
- 3 November 2022 to 13 November 2022
- 14 November 2022 to 2 November 2023

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 28 November 2022
- DA Form 5016 (Chronological Statement of Retirement Points), 14 December 2022
- Memorandum for Record (MFR) - Subject: Letter of Lateness, 14 December 2022
- DA Forms 1380, 31 January 2023
- Admin Records Correction screenshot, 17 May 2023

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 he is missing retirement points on his DA Form 5016 from April of 2020 thru February of 2023. The previous unit administrator was not submitting points only DA Forms 1380.
3. A review of the applicant's official records show the following:

a. He enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program on 3 November 2005. On 19 January 2006, he enlisted in the Regular Army and reenlisted on 29 July 2008.

b. On 14 May 2013, he was honorably released from active duty and transferred to the USAR Control Group (Individual Ready Reserve). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 7 years, 3 months, and 26 days net active service this period.

c. On 22 October 2013, he extended his USAR (IRR) enlistment for 1 year.

d. On 4 November 2013, the U.S. Army Human Resources Command (HRC) published Orders Number C-11-315055, which reassigned the applicant to his USAR unit, effective 28 October 2013.

e. On 20 November 2016, he reenlisted in the USAR for 6 years, and extended his USAR (Troop Program Unit) enlistment for 1 year on 19 May 2023.

f. His record contains a DA Form 5016 (Retirement Accounting Statement) dated 2 December 2023, which shows the applicant's total career retirement points earned as 278 Inactive Duty Training (IDT), 160 membership, 2821 Active Duty Training (ADT), 14 years qualifying for retirement, 3259 points earned and 3259 points creditable. In pertinent part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 3 November 2019 to 2 November 2020 – 12 IDT, 15 membership, 10 ADT, 37 points earned, and 37 points creditable
- 3 November 2020 to 2 November 2021 – 15 membership, 29 ADT, 44 points earned, and 44 points creditable
- 3 November 2021 to 2 November 2022 – 2 IDT, 15 membership, 17 points earned, and 17 points creditable
- 3 November 2022 to 13 November 2022 – None
- 14 November 2022 to 2 November 2023 – 4 IDT, 15 membership, 19 points earned, and 19 points creditable

g. DA Form 5016 (Chronological Statement of Retirement Points) dated 28 March 2024, shows in pertinent part, a total of 272 IDT points, 130 membership points, 2821 ADT points, 13 years, 6 months, and 12 days qualifying for retirement, and 3223 points creditable. It does not show retirement points for the anniversary year in question. In pertinent part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 3 November 2019 to 2 November 2020 – 12 IDT, 15 membership, 10 ADT, and 37 total points creditable
- 3 November 2020 to 2 November 2021 – 15 membership, 29 ADT, and 44 total points creditable

4. The applicant provides:

a. DA Forms 1380 dated 28 November 2022 and 31 January 2023, which were submitted for points only during the completed anniversary years from 3 November 2019 to 2 November 2023. The forms are signed by the Army Reserve Administrator [REDACTED] and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 25 and 26 April 2020 – 8 hours each day, N-2 (nonpaid), April Battle Assembly (BA) training attendance, 303d TPC, 99 Soldier's Ln, Coraopolis, PA 15108; Totaling: 4 points
- 30 and 31 May 2020 – 8 hours each day, N-2 (nonpaid), May BA training attendance, 303d TPC, Totaling: 4 points
- 27 and 28 June 2020 – 8 hours each day, N-2 (nonpaid), June BA training attendance, 303d TPC, Totaling: 4 points
- 29 and 30 August 2020 – 8 hours each day, N-2 (nonpaid), August BA training attendance, 303d TPC, Totaling: 4 points
- 26 and 27 September 2020 – 8 hours each day, N-2 (nonpaid), September BA training attendance, 303d TPC, Totaling: 4 points
- 17 and 18 October 2020 – 8 hours each day, N-2 (nonpaid), October BA training attendance, 303d TPC, Totaling: 4 points
- 21 and 22 November 2020 – 8 hours each day, N-2 (nonpaid), November BA training attendance, 303d TPC, Totaling: 4 points
- 19 December 2020 – 8 hours, N-2 (nonpaid), December BA training attendance, 303d TPC, Totaling: 2 points
- 29, 30 and 31 January 2021 – 8 hours each day, N-2 (nonpaid), January BA training attendance, 303d TPC, Totaling: 6 points
- 27 and 28 February 2021 – 8 hours each day, N-2 (nonpaid), February BA training attendance, 303d TPC, Totaling: 4 points
- 26, 27 and 28 March 2021 – 8 hours each day, N-2 (nonpaid), March BA training attendance, 303d TPC, Totaling: 6 points
- 24 and 25 April 2021 – 8 hours each day, N-2 (nonpaid), April BA training attendance, 303d TPC, Totaling: 4 points
- 22 and 23 May 2021 – 8 hours each day, N-2 (nonpaid), May BA training attendance, 303d TPC, Totaling: 4 points

- 26 and 27 June 2021 – 8 hours each day, N-2 (nonpaid), June BA training attendance, 303d TPC, Totaling: 4 points
- 27, 28 and 29 August 2021 – 8 hours each day, N-2 (nonpaid), August BA training attendance, 303d TPC, Totaling: 6 points
- 11 and 12 September 2021 – 8 hours each day, N-2 (nonpaid), September BA training attendance, 303d TPC, Totaling: 4 points
- 15, 16 and 17 October 2021 – 8 hours each day, N-2 (nonpaid), October BA training attendance, 303d TPC, Totaling: 6 points
- 6 and 7 November 2021 – 8 hours each day, N-2 (nonpaid), November BA training attendance, 303d TPC, Totaling: 4 points
- 18 December 2021 – 8 hours, N-2 (nonpaid), December BA training attendance, 303d TPC, Totaling: 2 points
- 8 and 9 January 2022 – 8 hours each day, N-2 (nonpaid), January BA training attendance, 303d TPC, Totaling: 4 points
- 5 and 6 February 2022 – 8 hours each day, N-2 (nonpaid), February BA training attendance, 303d TPC, Totaling: 4 points
- 16 February 2022 – 8 hours, N-2 (nonpaid), Arms Room Inventory, 303d TPC, Totaling: 2 points
- 11, 12 and 13 March 2022 – 8 hours each day, N-2 (nonpaid), March BA training attendance, 303d TPC, Totaling: 6 points
- 29 April 2022 – 8 hours, N-2 (nonpaid), Operations Planning, Drill Prep, 303d TPC, Totaling: 2 points
- 30 April 2022 – 8 hours, N-2 (nonpaid), April BA training attendance, 303d TPC, Totaling: 2 points
- 1 May 2022 – 8 hours, N-2 (nonpaid), May BA training attendance, 303d TPC, Totaling: 2 points
- 11 May 2022 – 8 hours, N-2 (nonpaid), Combat Lifesaver Instructor, 303d TPC, Totaling: 2 points
- 4 June 2022 – 8 hours, N-2 (nonpaid), Operations Planning Drill Prep, 303d TPC, Totaling: 2 points
- 25 and 26 June 2022 – 8 hours each day, N-2 (nonpaid), June BA training attendance, 303d TPC, Totaling: 4 points
- 10 July 2022 – 8 hours, N-2 (nonpaid), Engagement Skills Trainer Instructor, Inventory, 303d TPC, Totaling: 2 points
- 16 and 17 July 2022 – 8 hours each day, N-2 (nonpaid), July BA training attendance, 303d TPC, Totaling: 4 points
- 18 July 2022 – 8 hours, N-2 (nonpaid), 303d TPC, Operations Planning; Totaling: 2 points

- 22 and 30 July 2022 – 8 hours each day, N-2 (nonpaid), Annual Training Prep, 303d TPC, Totaling: 4 points
- 18, 19, 20 and 21 August 2022 – 8 hours each day, N-2 (nonpaid), August BA training attendance, 303d TPC, Totaling: 8 points
- 10 September 2022 – 8 hours, N-2 (nonpaid), September BA training attendance, 303d TPC, Totaling: 2 points
- 22 and 23 October 2022 – 8 hours each day, N-2 (nonpaid), October BA training attendance, 303d TPC, Totaling: 4 points
- 19 November 2022 – 8 hours, N-2 (nonpaid), November BA training attendance, 303d TPC, Totaling: 2 points
- 10 and 11 December 2022 – 8 hours each day, N-2 (nonpaid), December BA training attendance, 303d TPC, Totaling: 4 points
- 21 and 22 January 2023 – 8 hours each day, N-2 (nonpaid), January December BA attendance, 303d TPC, Totaling: 4 points
- 25 and 26 February 2023 – 8 hours each day, N-2 (nonpaid), February BA attendance, 303d TPC, Totaling: 4 points

b. MFR - Subject: Letter of Lateness, dated 14 December 2022, wherein, the Army Reserve Administrator states:

(1) The applicant's DA Forms 1380 are late due to a clerical error by a Military Technician that is no longer employed with the unit. A Unit Admin Tech (UAT) was employed with the 303d from January of 2020 until October of 2022. Part of the UAT's job was to submit Retirement Points updates to HRC on a monthly basis.

(2) The applicant's DA Form 5016 was reviewed by the Army Reserve Administrator (ARA) in November of 2022 during his annual review. It was found that his points were last updated in December of 2019. The ARA has completed a DA Form 1380 for all months that the applicant has drilled for points in order to get his DA Form 5016 current and capture 2 years for qualifying retirement.

c. Admin Records Correction screenshot dated 17 May 2023, which discusses the applicant's DA Forms 1380 and refers him to the Army Review Boards Agency for processing late DA Forms 1380.

5. On 28 December 2023, the Chief, Soldier Programs Branch, Headquarters, 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 all requested points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted DA Forms 1380 for points for duties performed outside of the scheduled BA. 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 Forms 1380 for retirement points. Full administrative relief granted.

6. On 5 January 2024, 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 conclusion of the advisory official that the evidence supports adding retirement points to the applicant's record. The Board determined the applicant's record should be corrected by processing the DA Forms 1380 he provided in support of his application and crediting him with the retirement points documented by those forms.

**BOARD VOTE:**

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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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 he provided in support of his application and crediting him with the retirement points documented by those forms.

8/27/2024

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. 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. 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

3. 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//