

IN THE CASE OF: ██████████

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230009387

APPLICANT REQUESTS:

- retirement point credit for service during his active reserve status as a Troop Program Unit (TPU) member
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Three DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 5016 (Retirement Accounting Statement), dated 16 June 2023
- Email Thread, June 2023

FACTS:

1. The applicant states he is requesting an additional 17 retirement points for calendar years 2021 and 2022. He was told by his unit administrator that he was required to submit a record correction with the Army Review Boards Agency (ARBA) to receive credit for service during his active reserve status as a TPU member. He previously submitted the DA Forms 1380 to account for credit and receive retirement points in 2022. The Army was transitioning to IPPS-A during that time and the limitations to records maintenance spanned 12 calendar months. He previously submitted the documents through the appropriate channels and secured the correct signatures. He was not given an update until recently regarding the status of the retirement points he was being credited for and limited capabilities pushed him to ARBA for the request.

2. The applicant provides:

a. Three authenticated DA Forms 1380, which show the applicant submitted requests for retirement point credit for active-duty service performed for DET Readiness at Fort Belvoir, VA for the following periods:

- 18, 19, 20 October 2021, 24 hours (8 daily), 6 retirement points (2 daily)

- 3 November 2021, 4 hours, 1 retirement point
- 8-12 March 2022 (5 days), 40 hours (8 daily), 10 retirement points (2 daily)

b. A DA Form 5016, dated 4 May 2023, which shows the applicant earned a total of 4578 active duty points, 15 years, 3 months, and 17 days qualified for retirement.

c. An email thread in June 2023 which indicated the Soldier Support Branch at the 99th Readiness Division could only execute DA Forms 1380 from within a 1-year timeframe. The timeframe was as far back as IPPS-A would allow them and all other requests had to be submitted to ARBA.

3. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 17 August 2006.

b. Orders 277-0109, dated 4 October 2017, discharged the applicant from the Regular Army effective 8 March 2018. Orders 305-0102, dated 1 November 2017 amended Orders 277-0109 to show the applicant's assignment to 301st Military Intelligence Battalion in Phoenix, AZ the day following his date of discharge.

c. He was honorably discharged from active duty on 8 March 2018. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 11 years, 6 months, and 22 days of active service with no lost time. He was assigned separation code KBK and the narrative reason for separation listed as "Completion of Required Active Service," with reentry code 1.

d. A DA Form 5016, dated 26 August 2023, shows the applicant received to date 4596 active-duty points. It also shows the applicant has been credited with 16 years of qualifying service for retirement. The requested periods of active-duty service are not listed on the DA Form 5016.

4. On 4 January 2024, the U.S. Army Reserve Command (USARC), Chief, Soldiers Program Branch, provided an advisory opinion, which states, in effect, USARC reviewed the applicant's documents and determined he should be awarded 17 retirement points. The applicant submitted his DA Forms 1380 for points for duties performed outside of the scheduled battle assembly and due to the unit's administrative errors, it could not be processed in a timely manner. He recommended full administrative relief be granted.

5. On 9 January 2024, the advisory opinion was forwarded to the applicant for acknowledgment and/or response. The applicant has not provided a response to date.

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

7. By regulation (AR 140-185), a 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.

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. 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 U.S. Army Reserve Command – Soldiers Programs Branch advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be awarded seventeen (17) points based on regulatory guidance and his submitted DA Form 1380's for duties performed. As such, the Board granted relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 should be awarded seventeen (17) points for retirement point credit for service during his active reserve status as a Troop Program Unit (TPU) member.

5/14/2024

X [Redacted Signature]

CHAIRPERSON

[Redacted Name]

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. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) sets responsibilities and procedures to establish and maintain retirement records prescribing the types of training and activities for which retirement points are authorized. It discusses the procedures for recording retirement point credits and training. It provides guidance for the use of completing DA Form 1380.

a. 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.

b. Paragraph 3-3 states:

(1) The purpose of DA Form 1380 is to record Inactive Duty Training by:

(2) Troop Program Unit Soldiers performing Inactive Duty Training assemblies when pay is authorized, and the Soldier is not present to sign the Inactive Duty Training attendance roster.

(3) Troop Program Unit Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(4) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points-only to USAR Troop Program Units, Army National Guard units, or to another Service or component for training. Only attached Soldiers are authorized to perform Inactive Duty Training with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event.

(5) Non-unit Soldiers performing other inactive duty training for retirement point credit.

c. 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 Unit 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. DA Form 1380 will be scanned into the Soldier's iPerms by the unit of assignment.

//NOTHING FOLLOWS//