

IN THE CASE OF: ██████████

BOARD DATE: 4 April 2024

DOCKET NUMBER: AR20230009567

APPLICANT REQUESTS: retirement points credit for active service performed for years 2017 through 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- 69 DD Forms 1380 (Record of Individual Performance of Reserve Duty Training)

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 he is seeking correction to his retirement points. It came to his attention that the DD Forms 1380 had not been submitted correctly or had not been submitted at all and it prevented him from receiving his 20-year letter. Additionally, the discrepancy has caused delays in his promotion. He mentioned it to the previous S-1 sections and was always assured it would be corrected. It was subsequently blamed on his transfer from the National Guard. The current S-1 made some calls and was provided guidance on the correct way to resolve the matter.
3. The applicant provides 69 authenticated DD Forms 1380 for a total of 364 retirement points credit for active duty service performed between 2017 through 2023, available for review by the Board and outlined below by calendar year (CY):
 - a. For CY 2017, a total of 60 retirement points:
 - 5-7 January (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
 - 18, 19 & no date listed February (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
 - 23-26 March (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
 - 7-9 April (3 days), 24 hours (8 daily), 6 retirement points (2 daily)

- 13 & 14 May (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 23-25 June (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 17-20 August (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 23 & 24 September (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 14 & 15 October (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18 & 19 November (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 9 & 10 December (2 days), 16 hours (8 daily), 4 retirement points (2 daily)

b. For CY 2018, a total of 56 retirement points:

- 12-14 January (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 10 & 11 February (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 17 & 18 March (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 12-15 April (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 12 & 13 May (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 9 & 10 June (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 16-19 August (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 8 & 9 September (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 19-21 October (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 17 & 18 November (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 8 & 9 December (2 days), 16 hours (8 daily), 4 retirement points (2 daily)

c. For CY 2019, a total of 56 retirement points:

- 12 & 13 January (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 15-17 February (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 7-10 March (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 6 & 7 April (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 10-12 May (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 8 & 9 June (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 8-11 August (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 7 & 8 September (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 11-13 October (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 15-17 November (3 days), 24 hours (8 daily), 6 retirement points (2 daily)

d. For CY 2020, a total of 62 retirement points:

- 10-12 January (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 8 & 9 February (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 13-15 March (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 9 & 10 April (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18-20 April (3 days), 24 hours (8 daily), 6 retirement points (2 daily)

- 13 & 14 June (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18-20 July (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 13-16 August (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 12 & 13 September (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 16-19 October (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 21 & 22 November (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 19 December, 8 hours, 2 retirement points

e. For CY 2021, a total of 66 retirement points:

- 29-31 January (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 13 & 14 February (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 13 & 14 March (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 15-18 April (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 15 & 16 May (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18-20 June (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 20-22 July (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 14 & 15 August (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 17-19 September (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 16 & 17 October (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18-21 November (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 11 & 12 December (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 21 December, 8 hours, 2 retirement points

f. For CY 2022, a total of 44 retirement points:

- 3 & 4 June (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 4-7 July (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 11-13 July (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 22-25 September (4 days), 32 hours (8 daily), 8 retirement points (2 daily)
- 14-16 October (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 15 & 16 October (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 18-20 November (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 9 December, 8 hours, 2 retirement points

g. For CY 2023, a total of 20 retirement points:

- 7 & 8 January (3 days), 24 hours (8 daily), 6 retirement points (2 daily)
- 4 February, 8 hours, 2 retirement points
- 4 & 5 March (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 30 & 31 March, 1 & 2 April (4 days), 32 hours (8 daily), 8 retirement points (2 daily)

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

a. Having had prior service in the U.S. Marine Corps, he enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) on 28 November 2006.

b. Three DD Forms 214 (Certificate of Release or Discharge from Active Duty) show the applicant served honorably on active duty, with two deployments, Iraq from 14 April 2009 to 1 February 2010 and Afghanistan from 19 November 2013 to 3 August 2014:

- 11 February 2008 to 10 February 2009 (1 year)
- 11 February 2009 to 25 March 2010 (1 year, 1 month, and 15 days)
- 25 September 2013 to 25 October 2014 (1 year, 1 month, and 1 day)

c. He was honorably released from the [REDACTED] ARNG on 24 August 2017. His NGB Form 22 (National Guard Report of Separation and Record of Service) shows he completed 10 years, 8 months, and 27 days of net service for the period. Block 23 (Authority and Reason) shows "Enlisted or Appointed in Any Reserve Component."

d. The service record included seven authenticated DD Forms 1380 for the following periods, not included in the applicant's requests with the exception of 13 & 14 June 2020:

- 9 & 10 February 2019 (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 24 & 25 August 2019 (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 14 September 2019, 8 hours, 2 retirement points
- 5 June 2020, 8 hours, 2 retirement points
- 13 & 14 June 2020 (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 9 & 10 September 2020 (2 days), 16 hours (8 daily), 4 retirement points (2 daily)
- 19 & 20 September 2020 (3 days), 24 hours (8 daily), 6 retirement points (2 daily)

e. A DA Form 5016 (Retirement Accounting Statement), dated 27 December 2023, shows the applicant received to date 3693 active duty points. It also shows the applicant had been credited with 18 years of qualifying service for retirement. The below periods of active duty service are listed on the DA Form 5016, for the time period established:

- 28 November 2016 to 24 August 2017 – 54 points
- 25 August 2017 to 27 November 2017 – 4 points
- 28 November 2017 to 27 November 2018 – 33 points
- 29 November 2018 to 27 November 2019 – 44 points
- 29 November 2019 to 27 November 2020 – 52 points

- 29 November 2020 to 27 November 2021 – 54 points
- 14 December 2021 to 13 November 2022 – 19 points
- 14 November 2022 to 77 November 2022 – 9 points
- 28 November 2022 to 27 November 2023 – 45 points
- 5 February 2023 to 8 February 2023 – 4 points

4. On 31 January 2024, the Chief, Soldiers Programs Branch, U.S. Army Reserve Command (USARC), provided an advisory opinion, which states, USARC reviewed the applicant's documents and determined the applicant cannot be awarded any points based on Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records). The DA Forms 1380 submitted by the applicant are greater than 6 months required to process, and he did not provide a reason for the lateness of the forms. He recommended no administrative relief be granted.

5. On 8 February 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 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. Non-paid DA Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

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. Notwithstanding the advisory official's recommendation to deny relief in this case, the Board found the evidence supports granting the relief requested by the applicant. The duty performed has been verified, and the Board found it would be inequitable to deny the applicant credit for the service performed solely based on the delay in submitting the required forms. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected by crediting him with the retirement points documented on the DA Forms 1380 he provided in support of his application.

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 by crediting him with additional retirement points based on the DA Forms 1380 he provided in support of his application.

8/18/2024

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CHAIRPERSON
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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 and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers.

a. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

b. Paragraph 2–4 states, personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day

c. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Form 1380s 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. The DA Form 1380 will be

scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

//NOTHING FOLLOWS//