

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230010227

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 E (Record of Individual Performance of Reserve Duty Training) dated 14 January 2000 was accepted and added to his record for the anniversary year 26 April 1999 to 25 April 2000.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 E, 14 January 2000

FACTS:

1. The applicant states, he is missing 3 points from 1999. He has exhausted all administrative corrective remedies even with proof of claim. He would like to go into retirement with the correct 27 years of good service.
2. A review of the applicant's official records show the following:
 - a. He enlisted in the U.S. Army Reserve (USAR) for 8 years on 26 April 1993 and reenlisted for 6 years on 8 April 2001.
 - b. On 22 July 2009, he reenlisted in the USAR for 6 years.
 - c. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows he extended his enlistment on for 1 year on 10 April 2015.
 - d. On 3 April 2016, he reenlisted in the USAR for an indefinite period.
 - e. On 1 June 2017, the U.S. Army Human Resources Command (HRC) issued the applicant a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).
 - f. His record contains DA Form 5016 (Retirement Accounting Statement) dated 25 May 2023, which shows the applicant's total career retirement points earned as 1085

Inactive Duty Training (IDT), 141 extension course, 431 membership, 1282 Active Duty Training (ADT), 26 years, 3 months, and 22 days qualifying for retirement, 2937 points earned and 2937 points creditable. In pertinent part, it also shows for the completed anniversary year of 26 April 1999 to 25 April 2000 he earned the following retirement points:

- 33 IDT
- 15 membership
- 48 points earned
- 48 points creditable

g. DA Form 5016 (Chronological Statement of Retirement Points) dated 22 April 2024, shows, in pertinent part, a total of 1061 IDT points, 141 extension course points, 401 membership points, 1279 ADT points, 25 years, 9 months, and 4 days qualifying for retirement, and 2880 points creditable. It also shows for the completed anniversary year of 26 April 1999 to 25 April 2000 he earned the following retirement points: 33 IDT, 15 membership: 48 total points creditable

3. In support of his case the applicant provides DA Form 1380 E dated 14 January 2000, which shows it was submitted for pay and points for the completed anniversary 26 April 1999 to 25 April 2000. The form is signed by the Platoon Sergeant and shows the applicant's dates, hours, retirement points, location of duties, nature of duties performed, training or instruction performed, as follows:

- 9 December 1999 – for 8 hours, "P2" (paid), "Vehicles Maintenance and GBL Training at Edison ECS"; Totaling: 2 points
- 10 December 1999 – for 4 hours, "P1" (paid), "Family Day Detail Christmas Elf"; Totaling: 1 point

4. On 8 January 2024, the U.S. Army Reserve 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 three points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted his DA Form 1380 for points for duties performed. Due to the unit's administrative errors, it was not processed. A favorable decision will allow the Readiness Divisions to process the DA Form 1380 for retirement points.

5. On 14 January 2024, the applicant responded to the USARC advisory opinion and stated, he was not going to do anything since it was beneficial and favorable.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. According to the submitted DA Form 1380, the applicant performed the duties and qualified for retirement points for those duties performed during the contested period. The Board was persuaded by his argument that administrative errors occurred in not timely and properly processing his retirement points. The applicant submitted his DA Form 1380 for points for duties performed. Due to the unit's administrative errors, it was not processed. The Board also agreed with the USARC determination that the applicant should be awarded three (3) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

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 awarding the applicant qualifying 3 retirement points, based on his submitted DA Forms 1380 (points only), provided all other criteria is met.

[Redacted Signature]

[Redacted Name]

[Redacted Title]

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 (USAR). 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
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- 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 (1) retirement point or 8 hours in length for two (2) retirement points.

c. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record IDT by —

(1) Troop Program Unit (TPU) Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU 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.

(3) Non-unit Soldiers under the jurisdiction of the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points).

d. Paragraph 3-3b states, the 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. TPU 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 integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

//NOTHING FOLLOWS//