

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 January 2025

DOCKET NUMBER: AR20230010257

APPLICANT REQUESTS: retirement point credit.

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings Statement (LES)
- Memorandum, Subject: Retirement Point Correction
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states:

a. He performed duty on 7 and 8 August 2021 for his unit scheduled Battle Assembly. He was unaware his Multiple Unit Training Assembly (MUTAs) were maxed out for the year, therefore did not know to submit a DA Form 1380 Points Only for 8 August 2021 (Sunday). He was not compensated the 2 retirement points for 8 August 2021. The applicant was not notified by unit as this would have been flagged in RLAS upon submission of pay. He also performed duty on 2 November 2022, 3 November 2022, and 8 November 2022 and filled out a DA Form 1380 Points Only.

b. Due to IPPS-A Brown-Out, he was unable to get the action processed. He submitted DA Form 1380 Points Only after IPPS-A Live (January 2023) and was told by RD they can only process requests dated 14 November 2022 to current. He was advised to submit DD Form 149. This correction should be made to reflect accurate data in the applicant's file for performance completed on 8 August 2021 and to award the retirement points the applicant rightfully earned and is indebted to. He realized the discrepancy when his LES posted on 20 August 2021 and inquired with BN S1. He was informed a DA Form 1380 would be generated on his behalf and sent for processing. The applicant was reviewing his records around September 2022 and noticed the points were not added to his record. He submitted LES, DA Form 1380 Points Only, and a memorandum signed by the commander and due to IPPS-A brown-out, was delayed.

c. He submitted DA Form 1380 Points Only after IPPS-A Live (January 2023) for 8 August 2021 along with additional duty dates 2 November 2022, 3 November 2022, and 8 November 2022. He was told by the Readiness Division (RD) they can only process DA 1380 Points Only requests dated 14 November 2022 to current. The applicant was advised to submit DD 149.

2. The applicant provides:

a. A LES, period covered 20 August 2021 shows inactive duty training on 7 August 2021.

b. Memorandum, Subject: Retirement Point Correction for appropriate compensation for duties performed, 17 October 2022 shows the applicant's commander stated the applicant attended battle training assembly on 7 August 2021 and 8 August 2021. He was compensated for 7 August 2021 but not compensated for 8 August 2021. The applicant request compensation for duties performed on 8 August 2021 and requests a correction be made to reflect his performance for the timeframe he was not compensated for. The applicant did not get paid for 8 August 2021 on his LES pay date 20 August 2021.

c. DA Form 1380, 4 November 2022, shows he completed points only for training for the following days:

- 2 November 2022, 4 hours, Joint Base Lewis McChord (JBLM), WA
- 3 November 2022, 4 hours, JBLM, WA
- 8 November 2022, 4 hours, Spanaway, WA

3. Review of the applicant's service record shows:

a. DA Form 4 (Enlistment/Reenlistment Document-Armed Forces of the United States) shows the applicant enlisted in the U.S. Army Reserve (USAR) on 20 August 2003.

b. The applicant entered active duty on 28 October 20003. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably released from active duty to continue on active duty in another status on 7 April 2004. He completed 5 months, and 10 days net active service.

c. He reenlisted on 25 August 2008 and 27 August 2021.

d. Orders VC-032-0068, 1 February 2019 ordered the applicant to active duty as a member of his Reserve Component unit for a period of 400 days in support of Operation Enduring Freedom (Spartan Shield).

e. Orders 101-0214, 10 April 2020 released the applicant from active duty, not by reason of physical disability. Effective date: 20 May 2020.

f. The applicant entered active duty on 4 March 2019. His DD Form 214 shows he was honorably released from active duty and transferred to the USAR on 20 May 2020. He completed 1 year, 2 months, and 17 days net active service.

g. Memorandum, Subject: Notification of Eligibility for retired Pay at Non-Regular Retirement (20 Year Letter), 19 November 2023 shows the applicant has completed the required years of qualifying Reserve service and is eligible for retired pay upon application at age 60.

h. Orders T-04-408154, 2 April 2024 ordered the applicant to active duty for training for 334 days at the Sergeant Major Academy.

i. Order Number: 0008877980.00, 20 July 2024 honorably released the applicant from active duty.

j. DA Form 5016 (Retirement Accounting Statement), 18 September 2024 shows beginning on 20 August 2003 and ending on 20 August 2024, the applicant was awarded 2906 total points creditable.

4. In the processing of this case an advisory opinion was obtained on 8 October 2024 from the U.S. Army Reserve Command (USARC), STL, Military Services Office, who opined in pertinent part:

a. USARC reviewed the applicant's documents and determined the applicant should be awarded retirement points based of AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant performed the duty not realizing there were no IDT remaining for the fiscal year. However, the applicant needs to submit the DA Form 1380s for those periods in which they did not receive pay.

b. No administrative relief granted.

5. On 10 October 2024, the applicant was provided with a copy of the advisory opinion with an opportunity to respond. No response was received.

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 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 request, available military records and Headquarters, United States Army Reserve Command- Military Services Office advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be granted retirement points in accordance with regulatory guidance. The Board determined there is sufficient evidence to support the applicant's contentions for award of retirement points. Based on the advising official the applicant needs to submit the DA Form 1380s for those periods in which they did not receive pay. The Board granted relief to award two (2) retirement points.

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 two (2) retirement points in accordance with Army Regulation (AR) 140-185 for points for duties performed.

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

//NOTHING FOLLOWS//