

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230010334

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to add 2 retirement points to the Retirement Year Ending (RYE) 13 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) 9 January 2022 and 26 January 2022

FACTS:

1. The applicant states, he drilled for retirement points on 7 and 24 January 2022 that have to be added to his retirement points record. The duty was performed and approved by the appropriate authority. Him and leadership elected to compensate in the form of retirement points in lieu of pay.

2. A review of the applicant's official record shows the following:

a. On 10 May 2003, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 24 January 2019, the U.S. Army Human Resources Command issued the applicant a 2- Year letter.

c. DA Form 5016 shows the applicant earned the following for the RYE 13 November 2022:

- 46 Inactive Duty Training (IDT) points
- 13 membership points
- 28 Active-Duty Training (ADT) points
- 87 total points creditable

3. The applicant provides:

a. DA Form 1380 dated 9 January 2022 showing on 7 January 2022 he completed 4 hours (1 point only) yearly training brief discussions with the 3100 Signal Commander and 2500 Signal Commander, preparation for commander's call, and discussions with the Commanding General (CG). The form was endorsed by Lieutenant Colonel C- O- as the officer having knowledge of the duties performed.

b. DA Form 1380 dated 26 January 2022 showing on 24 January 2022 he completed 4 hours (1 point only) conference planning, S-3 synch with commander yearly training brief planning. The form was endorsed by Major R- T- as the officer having knowledge of the duties performed.

4. On 19 December 2023, in the processing of this case, the U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval. He stated the applicant should be awarded two retirement 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 Battle Assembly (BA). Due to the unit's administration errors his DA Forms 1380 could not be processed in a timely manner, but he did perform the duty. A favorable decision will allow the Readiness Division to process the DA Forms 1380 for retirement points.

5. On 2 January 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

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 petition, available military records and Headquarters, US Army Reserve Command- Soldier Program Branch advisory opinion, the Board concurred with the advising official finding the applicant should be awarded two (2) retirement points based off Army Regulation (AR) 140-185. As noted by the opine, the applicant submitted his DA Forms 1380 for points for duties performed outside of the scheduled Battle Assembly (BA). Due to the unit's administration errors his DA Forms 1380 could not be processed in a timely manner, but he did perform the duty. As such, 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 as reflected on his DA Form 5016 for points for duties performed outside of the scheduled Battle Assembly (BA).

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

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- Four/eight-hour rule; Soldiers earn one point for each 4 hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8 hours for a maximum of two points in 1 calendar day

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

2. Department of Defense Instructions 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours.

//NOTHING FOLLOWS//