

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230010337

APPLICANT REQUESTS: correction of his retirement points to reflect inclusion of service for points only performed for the retirement date covering 28 August 2019 (1 point) for the Retirement Year Ending (RYE) 12 July 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Troop Program Unit (TPU) Personnel Actions Checklist
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 1 September 2019
- Memorandum, Subject: Letter of Lateness, 11 July 2023
- Voucher appointment document, 28 August 2019

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, in pertinent part, he has point/points that were not credited to his retirement due to administrative errors that had his entry date incorrect. Once the error was discovered it changed his retirement points and he ended up with 49 points in 2019 when he should have had 51 points.
3. A review of the applicant's available service record reflects the following:
  - a. On 17 August 1999, he enlisted in the Regular Army for a period of 4 years.
  - b. On 1 August 2003, Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell issued Orders Number 213-0004 reassigning him to the U.S. Army transition point for transition processing and honorable release from active duty, effective 15 October 2003.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 15 October 2003 reflects an honorable release from active duty for completion of required active service. Item 12 (Record of Service) shows service from 17 August 1999 to 15 October 2003 for a net active service this period of 4 years, 1 months, and 29 days.

d. On 9 January 2007, he enlisted in the Regular Army for a period of 4 years.

e. On 22 April 2009, he reenlisted in the Regular Army for a period of 6 years.

f. On 29 April 2014, the U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison Command, Fort Knox, issued Orders Number 119-0179 reassigning him to the U.S. Army transition point for transition processing and honorable release from active duty, effective 15 July 2014.

g. DD Form 214, ending 15 July 2014 reflects an honorable release from active duty for insufficient retainability (economic reasons). Item 12 (Record of Service) shows service from 9 January 2007 to 15 July 2014 for a net active service this period of 7 years, 6 months, and 7 days.

h. On 2 April 2020 he enlisted in the U.S. Army Reserve (USAR). His record is void of the DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States).

i. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 6 July 2022 shows he extended his enlistment with the USAR for a period of 1 year.

j. DA Form 5016 (Retirement Accounting Statement), dated 11 August 2023 shows for the RYE 12 July 2020, the applicant earned 34 Inactive Duty Training (IDT) points and 15 Membership points, totaling 49 total points creditable.

k. On 23 September 2023, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

l. DA Form 4836, dated 28 February 2024 shows he extended his enlistment with the USAR for a period of 1 year.

4. The applicant provides the following:

a. TPU Checklist showing he was at a dental appointment and submitted the documentation for credit on his retirement points.

b. DA Form 1380 dated 1 September 2019, shows the applicant completed training on 28 August 2019, for 4 hours, totaling 1 retirement point.

c. Memorandum, Subject: Letter of Lateness, dated 11 July 2023 wherein the Army Reserve Administrator noted that the DA Form 1380 was submitted late due to no fault of the Soldier.

d. Voucher appointment sheet for his dental exam and x-rays on 28 August 2019.

5. On 19 December 2023, the United States Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request stating, in effect, they reviewed the applicant's documents and determined he should be awarded one (1) point based of Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He submitted a DA Form 1380 for point for duties performed outside of the scheduled Battle Assembly. Due to the unit's administration errors his DA Form 1380 did not get processed. A favorable decision will allow the Readiness Divisions to process the DA Form 1380.

6. On 2 January 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 16 January 2024, 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/was not 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, U.S. Army Reserve Command – Soldiers Programs Branch advisory opinion, the Board concurred with the advising official finding the applicant should be awarded one (1) point based on regulatory guidance AR 140-185. The Board noted the applicant submitted his DA Form 1380's for duties performed outside his scheduled battle assemblies. Evidence shows his documentation was not properly processed by his unit due to administrative errors. The Board agreed correction of the applicant's retirement points to reflect inclusion of service for points only performed for the retirement date covering 28 August 2019 (1 point) for the Retirement Year Ending (RYE) 12 July 2020 is warranted. Therefore, the Board granted relief.

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 submitted his DA Form 1380's in a timely manner and correction of his retirement points to reflect inclusion of service for points only performed for the retirement date covering 28 August 2019 (1 point) for the Retirement Year Ending (RYE) 12 July 2020.

█

█ █

---

█

█

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 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by 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 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.

a. 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.

b. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed. Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

//NOTHING FOLLOWS//