

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230010562

APPLICANT REQUESTS: correction of retirement points for Retirement Year Ending (RYE) 2021 to reflect 24 additional points.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report), 19 July 2021

FACTS:

1. The applicant states in pertinent part that he completed Intermediate Level Education (ILE) training requirements in 2020. He contests that these training requirements were conducted outside of his Battle Assembly (BA) periods and should qualify for retirement points. He notes that the provided DA Forms 1380 were previously submitted to his administrative personnel but were not processed. The original DA Forms 1380 were lost so he is providing reconstructed documents with this application.

2. A review of the applicant's available service records reflects the following:

a. After serving in the Regular Army as a commissioned officer, on 2 May 2012, the applicant was appointed as a Reserve commissioned officer and subsequently assigned to a Troop Program Unit.

b. On 19 July 2021, the applicant completed the ILE Common Core.

c. A review of the applicant's most recent DA Form 5016 (Retirement Accounting Statement) dated 24 May 2024 provides that during the RYE 2021 covering the period of 25 April 2020 – 24 April 2021, the applicant was awarded 87 retirement points (46 Inactive Duty Training (IDT), 26 Active Duty Training (ADT) and 15 Membership).

3. The applicant provides:

a. DA Form 1380 dated 16 February 2022, reflective of the applicant's completion of Electronic Based Distance Learning (EBDL) ILE Common Core courses for points only on 12 and 16-20 November 2020 (8 hours per day/1 point per day = 6 points total).

b. DA Form 1380 dated 16 February 2022, reflective of the applicant's completion of EBDL ILE Common Core courses for points only on 7-11 and 14 December 2020 (8 hours per day/1 point per day = 6 points total).

c. DA Form 1380 dated 16 February 2022, reflective of the applicant's completion of EBDL ILE Common Core courses for points only on 15-18 and 21-22 December 2020 (8 hours per day/1 point per day = 6 points total)

4. On 25 January 2024, Headquarters, U.S. Army Reserve Command, Chief, Special Actions Branch provided an advisory opinion recommending approval of the applicant's request noting that his DA Forms 1380 are for points for duties performed outside of the scheduled battle assembly. Due to the unit's administrative errors, it could not be processed in a timely manner. A favorable decision will allow the Readiness Divisions to process the DA Forms 1380 for retirement points.

5. On 26 January 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 6 June 2024, the applicant has not responded.

#### 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. The Board concurred with the conclusion of the advisory official that the applicant has not been credited with retirement points he earned due to circumstances beyond his control. The Board determined the applicant's record should be corrected by processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

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 processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

12/9/2024
X █ <hr/> CHAIRPERSON █

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. 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 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.

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

- regularly scheduled unit training includes UTA, and 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 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1). These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive)).

c. Paragraph 2–4 (Criteria for Awarding Retirement Points) 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
- eight-hour rule approved EBDL courses will be awarded to members of the Selected Reserve (TPU); Subject to available funding, and as preapproved, Soldiers may earn one retirement point and be paid for 1 IDT point for every 8 hours of distance learning completed
- 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

- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

e. Paragraph 3-3b, states 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.

//NOTHING FOLLOWS//