

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 May 2024

DOCKET NUMBER: AR20230010676

APPLICANT REQUESTS: retirement point credit for:

- 21-23 January 2022 (6 points)
- 12-13 Feb 2022 (4 points)

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

- DD Form 149 (Application for Correction of Military Record)
- Two DA Forms 1380 (Record of Individual Performance and Reserve Duty Training), 21 January 2022 and 12 February 2022
- DA Form 5016 (Retirement Accounting Statement), 27 July 2023

FACTS:

1. The applicant states he was not aware that he never got paid for performance of Reserve duty. A request to process pay and retirement points was returned because it was not submitted within 60 days from the performance of duty. As a result, he is requesting an adjustment of his chronological statement of retirement points to reflect the performance of Reserve duty for fiscal year 2022 and is only seeking correction to his retirement points at this time.

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

- a. On 29 September 2014, he enlisted in the U.S. Army Reserve (USAR).
- b. A DA Form 61 (Application for Appointment) shows he applied for a Reserve commission on 5 October 2016.
- c. On 3 March 2017, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army.
- d. On 28 July 2017, he was appointed as a Reserve commissioned officer and executed an oath of office.

e. His DA Form 5016, dated 29 October 2023 shows for the retirement year ending 29 September 2022, the applicant earned 26 Inactive Duty Training (IDT) points, 15 membership points, and 8 active duty points, totaling 49 total points creditable.

f. He continues service with the USAR.

3. The applicant provides:

a. A DA Form 1380, dated 21 January 2022, which shows he completed Leadership transition, logistics support, and physical readiness training on 21-23 January 2022, for 8 hours each, totaling 6 P-2 retirement points. The form was authenticated by First Lieutenant HWM on 6 November 2022.

b. A DA Form 1380, dated 12 February 2022, which shows the applicant completed IWQ layout and rehearsal and physical readiness training on 12-13 February 2022, for 8 hours each, totaling 4 P-2 retirement points. The form was authenticated by First Lieutenant HWM on 6 November 2022.

4. On 19 December 2023, the U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request stating, in effect:

a. They reviewed the applicant's documents and determined he should be awarded 10 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He submitted DA Forms 1380 for duties performed outside of the scheduled battle assembly. 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 Divisions to process the DA Forms 1380 for retirement points.

b. Regarding his chronological statement of retirement points, it will be corrected by the U.S. Army Human Resources Command.

c. Full administrative relief granted.

5. On 21 December 2023, the applicant was provided with a copy of the advisory opinion to provide a response. He did not respond.

6. By regulation, 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.

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 review based on law, policy, and regulation. The Board reviewed and concurred with the U.S. Army Reserve Command's advising official and determined the evidence supports the applicant submitted his DA Forms 1380 for the retirement year ending (RYE) 29 September 2022 and although not timely processed by his unit, the Board determined the applicant should be awarded the additional 10 retirement points for the period 21-23 January 2022 (6 points) and 12-13 February 2022 (4 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 by awarding the applicant qualifying retirement points on the dates indicated below, provided all other criteria is met:

- 4 retirement points for the period 21-23 January 2022
- 6 retirement points for the period 12-13 February 2022

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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 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
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies

- 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.

2. Title 10, United States Code, section 1552 (c) (1) states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//