

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230010782

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect the additional non-paid retirement points for duty performed for 27 non-paid retirement points for Retirement Year Ending (RYE) 13 November 2022 and 14 May 2023.

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) for October 2022
- DA Form 1380 for November 2022
- DA Form 1380 for December 2022
- DA Form 1380 for March 2023
- DA Form 5016, 26 July 2023
- Retirement Point Discrepancy Spreadsheet

FACTS:

1. The applicant states in effect, while he was assigned to the Special Operations Command (SOCOM) Army Reserve Element (ARE) as a U.S. Army Reserve (USAR) Troop Program Unit (TPU) Soldier, he was attached to SOC Europe (EUR) for support. During which time he was authorized to perform duty outside of his scheduled unit training assemblies for non-paid retirement points. He submitted DA Forms 1380 for the duty performed which were approved by SOCEUR. However, he was not credited for 27 of the non-paid retirement points on his DA Form 5016. He should have been awarded:

- five non-paid retirement points for duty performed in October 2022
- four non-paid retirement points for duty performed in November 2022
- 13 non-paid retirement points for duty performed in December 2022
- five non-paid retirement points for duty performed in March 2023

This error should be corrected due to no fault of his own. He performed the duty directed by his chain of command and submitted his DA Forms 1380 in a timely manner, only to be deprived of retirement point credit due to unknown administrative or

technical error during the transition to Integrated Personnel and Pay System – Army (IPPS-A).

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

a. On 23 August 1999, the applicant enlisted in the USAR as a cadet and was assigned to the USAR Control Group (Reserve Officers' Training Corps (ROTC)).

b. On 14 May 2002, Orders Number 134-7, issued by the First ROTC Region Instructor Group, Senior Division, Virginia Military Institute, the applicant was discharged from the USAR to accept a commission in the U.S. Armed Forces, effective 14 May 2002.

c. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty on 2 December 2002. He was honorably released from active duty on 31 March 2007 and assigned to the USAR Control Group (Reinforcement). It also shows the applicant completed 4-years, 3-months, and 29-days of active service.

d. On 18 June 2007, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

e. On 2 May 2012, Orders Number C-05-206310, issued by the U.S. Army Human Resources Command (HRC), the applicant was assigned to a USAR TPU, effective 26 April 2012.

f. On 10 December 2015, Orders Number 15-344-00098, issued by Headquarters, 99th Regional Support Command, the applicant was assigned to the USAR Element SOCOM, effective 9 January 2016.

g. On 8 May 2018, Orders Number HR-8128-00007, issued by HRC, the applicant was ordered to Contingency Operation for Active-Duty Operational Support (CO-ADOS), effective 30 May 2018.

h. On 29 September 2018, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 4-months of active service.

i. DA Form 5016 dated 13 June 2023 shows the applicant obtained the following:

- RYE 13 November 2022; 44 Inactive Duty Training (IDT) points, 8 membership points, 29 Active-Duty Training (ADT) points; totaling 81 creditable points

- RYE 14 May 2023; 15 IDT points, 7 membership points, totaling 22 creditable points

j. On 29 June 2023, Orders Number HR-3180-00016, issued by HRC, the applicant was ordered to ADOS, effective 2 August 2023.

k. On 2 October 2023, Orders Number HR-3275-00029, issued by HRC, the applicant was ordered to ADOS, effective 30 November 2023.

l. On 31 January 2024, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 5-months and 29-days of active service.

3. The applicant provides:

a. DA Form 1380 dated 3 November 2022 which shows the applicant performed 4-hours of study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded one non-paid retirement point for each day of duty conducted on:

- 7 through 8 October 2022
- 10 October 2022
- 19 October 2022
- 26 October 2022

The DA Form 1380 was signed on 8 November 2022 by Chief Warrant Officer Two (CW2) B- A-, Chief Reserve Affairs as the officer who had knowledge of the duties performed by the applicant. However, block 9 (The Above-Named Soldier Performed) was not completed properly. It was missing the table number and rule number from Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) which authorized the duty.

b. DA Form 1380 dated 4 December 2022 which shows the applicant performed 4-hours of study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded one non-paid retirement point for each day of duty conducted on:

- 5 November 2022
- 19 through 20 November 2022
- 26 November 2022

The DA Form 1380 was signed on 9 December 2022 by First Lieutenant B- O-, J-1 SOCEUR as the officer who had knowledge of the duties performed by the applicant.

However, block 9 was not completed properly. It was missing the table number and rule number from AR 140-185 which authorized the duty.

c. DA Form 1380 dated 4 January 2023 which shows the applicant performed his study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded non-paid retirement point(s) for each day of duty conducted on:

- 3 December 2022 performed 8-hours for two non-paid retirement points
- 4 through 5 December 2022 performed 4-hours of duty each day for one non-paid retirement point each day
- 9 through 11 December 2022 performed 8-hours of duty each day for two non-paid retirement points each day
- 12 through 14 December 2022 performed 4-hours of duty each day for one non-paid retirement point each day

The DA Form 1380 was signed on 11 January 2023 by Chief Warrant Officer Three C-O-, Chief of Personnel Strength as the officer who had knowledge of the duties performed by the applicant. However, block 9 was not completed properly. It was missing the table number and rule number from AR 140-185 which authorized the duty.

d. DA Form 1380 dated 31 March 2023 which shows the applicant performed 4-hours conducting multiple administrative duties at Waldorf, MD, to be awarded one non-paid retirement point for each day of duty conducted on:

- 8 March 2023
- 11 March 2023
- 16 March 2023
- 18 through 19 March 2023

The DA Form 1380 was signed by Major J- P-, Reserve Affairs Advisor as the officer who had knowledge of the duties performed by the applicant. In block 9 it shows the table number and rule number from AR 140-185 which authorized the duty.

e. Spreadsheet which shows the discrepancies between the applicant's DA Form 5016 and the DA Forms 1380 which he submitted. It shows his DA Form 5016 is missing:

- 5 retirement points in October
- 4 retirement points in November
- 13 retirement points in December
- 5 retirement points in March

4. On 19 December 2023, in the processing of this case, Headquarters, U.S. Army Reserve Command (USARC), provided an advisory opinion regarding the applicant's request to be awarded additional non-paid retirement points on his DA Form 5016. The advisory official stated upon review of the applicant's documents it was determined he should be awarded five points. The applicant submitted his DA Forms 1380 for duty he performed outside the scheduled unit training assemblies. Due to the IPSS-A integration his documents were not processed in a timely manner. Of the DA Forms 1380 the applicant provided, only one was properly signed and completed. The advisory official recommended a partial administrative relief.

5. On 21 December 2023, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. On 9 January 2024, via email the applicant requested an extension for his rebuttal of the advisory opinion. He stated that he submitted the DA Forms 1380 to his unit for processing and he was never advised the documents were not complete or were not accurate.

6. On 9 February 2024, the applicant responded via email, he stated in effect, USARC was correct in stating three of his DA Forms 1380 were not correctly completed, he was only made aware of the inaccuracy in the advisory opinion. Both USARC and SOCEUR accepts he performed the duties on the DA Forms 1380. He has corrected the errors on the three DA Forms 1380 and he requests the additional 22 non-paid retirement points in addition to the five USAR recommended to be awarded. The applicant provided:

a. SOCEUR Memorandum, Subject: Retirement Point Command Rebuttal, J-P (the applicant) which stated the incorrectly completed DA Forms 1380 were not returned to the applicant to make corrections by HRC. According to the HRC guide, the originator should have received the DA Forms 1380 back as returned without action with an explanation of the errors. If they had received the notification the errors would have been corrected and resubmitted for processing. The applicant deserves credit for the duties which he performed.

b. DA Form 1380 dated 3 November 2022 which shows the applicant performed 4-hours of study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded one non-paid retirement point for each day of duty conducted on:

- 7 through 8 October 2022
- 10 October 2022
- 19 October 2022
- 26 October 2022

The DA Form 1380 was signed on 8 November 2022 by CW2 B- A-, Chief Reserve Affairs as the officer who had knowledge of the duties performed by the applicant. In block 9 it shows the table number and rule number from AR 140-185 which authorized the duty.

c. DA Form 1380 dated 4 December 2022 which shows the applicant performed 4-hours of study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded one non-paid retirement point for each day of duty conducted on:

- 5 November 2022
- 19 through 20 November 2022
- 26 November 2022

The DA Form 1380 was signed on 9 December 2022 by First Lieutenant B-O-, J-1 SOCEUR as the officer who had knowledge of the duties performed by the applicant. In block 9 it shows the table number and rule number from AR 140-185 which authorized the duty.

d. DA Form 1380 dated 4 January 2023 which shows the applicant performed his study for GOVT E-1886 Nuclear Weapons and International Security; Harvard Extension School, Nuclear Deterrence Graduate Certificate to be awarded non-paid retirement point(s) for each day of duty conducted on:

- 3 December 2022 performed 8-hours for two non-paid retirement points
- 4 through 5 December 2022 performed 4-hours of duty each day for one non-paid retirement point each day
- 9 through 11 December 2022 performed 8-hours of duty each day for two non-paid retirement points each day
- 12 through 14 December 2022 performed 4-hours of duty each day for one non-paid retirement point each day

The DA Form 1380 was signed on 11 January 2023 by CW3 C- O-, Chief of Personnel Strength as the officer who had knowledge of the duties performed by the applicant. In block 9 it shows the table number and rule number from AR 140-185 which authorized the duty.

7. On 1 May 2024, in the processing of this case, Headquarters, U. S. Army Reserve Command (USARC) provided an updated advisory opinion regarding the applicant's request to be awarded additional non-paid retirement points on his DA Form 5016. The advisory official stated upon review of the applicant's documents it was determined he should be awarded 27 points. The applicant submitted his DA Forms 1380 for duty he performed outside the scheduled unit training assemblies. Due to the IPSS-A integration

his documents were not processed in a timely manner. Of the DA Forms 1380 the applicant provided, only one was properly signed and completed. The advisory official recommended full administrative relief.

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, Headquarters U.S. Army Reserve Command- Soldiers Programs Branch advisory opinion and Headquarters Special Operations Command Europe – J Reserve Affairs Advisor memorandum, the Board concurred with both advising official's recommendation for approval finding the applicant should be awarded five (5) points based on regulatory guidance AR 140-185 and the twenty-two (22) points as noted by the SOCEUR. The Board noted the applicant submitted his DA Form 1380's for points for duties he performed outside the scheduled battel assembly. Based on both advisories, the Board granted relief to award the twenty-seven (27) points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

| | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 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 should be awarded twenty-seven (27) points.



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 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14.2 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year area. Maximum-365 (366 during leap year) points. Maximum for inactive duty training (IDT) 60 points for IDT and membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2 hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for 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 training of individual Soldier in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, 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

d. Table 2-3 (Award of IDT retirement points) rule 20; assigned/attached Soldier performs other individual IDT duty in a nonpay training status. Points are awarded under the 4-hour/8-hour rule.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into

ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid 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.

f. 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.

3. Department of Defense Instruction (DoDI) 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//