

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230010801

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 23 September 2011, 29 September 2012, 20 October 2015, 25 April 2016, and 25 August 2016, were accepted and added to his record for the anniversary years of –

- 15 September 2010 to 14 September 2011
- 15 September 2011 to 14 September 2012
- 15 September 2012 to 14 September 2013
- 15 September 2013 to 14 September 2014
- 15 September 2014 to 14 September 2015
- 15 September 2015 to 14 September 2016

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 23 September 2011
- DA Forms 1380, 29 September 2012
- DA Forms 1380, 20 October 2015
- DA Forms 1380, 25 April 2016
- DA Forms 1380, 25 August 2016
- U.S. Army Human Resources Command (HRC) Memorandum - Subject: DA Form 1380 Returned Without Action, 5 June 2020

FACTS:

1. The applicant states his retirement point record has not been credited for duty performed in an unpaid status, as documented on the enclosed DA Forms 1380, during the years 2011 to 2016. Please correct his retirement point record to include duty performed in an unpaid status.

a. All retirement points claimed are documented on signed DA Forms 1380 and were submitted per the guidance of the Personnel Services Noncommissioned Officer (PSNCO), S-1, or the servicing Army Reserve Personnel Action Center (RPAC) of his unit of assignment at the time duty was performed. After these DA Forms 1380 were

submitted for processing, he did not receive notification or was otherwise made aware of any documentation errors that would prevent proper crediting of claimed retirement points. Several years after the submission of these DA Forms 1380, he performed an audit of all retirement points credited over the course of his career and found the points documented on the enclosed DA Forms 1380 were not credited in his retirement point record.

b. After unsuccessful attempts to address the issue of missing points at the unit level in 2020, he requested HRC conduct a review. HRC cited several documentation errors on these DA Forms 1380 as the reason points were not credited but did not question that the duty was performed, or points were owed. The cited errors were due to incorrect guidance provided by the unit PSNCO, S-1, or servicing Army RPAC at the time these DA Forms 1380 were originally submitted.

c. Due to the long time that has passed it is not possible for him to correct the cited documentation errors, and so he requests the Board's help to properly credit his retirement point record for duty performed. It has been 3 years since he received notice from HRC of documentation errors on the enclosed DA Forms 1380. He considers this the date the injustice was discovered.

2. A review of the applicant's military records show the following:

a. Having prior enlisted service in the U.S. Army Reserve (USAR), DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office on 21 November 2004.

b. On 18 November 2010, HRC issued the applicant a Notification of Eligibility for Retired Pay at Age 60 (20-Year Letter).

c. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 14 October 2023, which shows the applicant's total career retirement points earned as 1455 Inactive Duty Training (IDT), 510 membership, 1655 Active Duty Training (ADT), 33 years qualifying for retirement, 3609 points earned and 3609 points creditable. In relevant part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 15 September 2010 to 14 September 2011 – 22 IDT, 15 membership, 171 ADT, 1 year qualifying for retirement, 208 points earned, 208 points creditable
- 15 September 2011 to 14 September 2012 – 54 IDT, 15 membership, 26 ADT, 1 year qualifying for retirement, 95 points earned, 95 points creditable

- 15 September 2012 to 14 September 2013 – 52 IDT, 15 membership, 6 ADT, 1 year qualifying for retirement, 73 points earned, 73 points creditable
- 15 September 2013 to 14 September 2014 – 75 IDT, 15 membership, 30 ADT, 1 year qualifying for retirement, 120 points earned, 120 points creditable
- 15 September 2014 to 14 September 2015 – 78 IDT, 15 membership, 8 ADT, 1 year qualifying for retirement, 101 points earned, 101 points creditable
- 15 September 2015 to 14 September 2016 – 44 IDT, 15 membership, 14 ADT, 1 year qualifying for retirement, 73 points earned, 73 points creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 6 May 2024, which shows a total of 1375 IDT points, 495 membership points, 1618 ADT points, 32 years and 1 day qualifying for retirement, and 3477 points creditable. It also shows for the completed anniversary years listed below; he earned the following retirement points:

- 15 September 2010 to 14 September 2011 – 22 IDT, 15 membership, 170 ADT, 1 year qualifying for retirement, 207 total points creditable
- 15 September 2011 to 14 September 2012 – 54 IDT, 15 membership, 26 ADT, 1 year qualifying for retirement, 95 total points creditable
- 15 September 2012 to 14 September 2013 – 52 IDT, 15 membership, 6 ADT, 1 year qualifying for retirement, 73 total points creditable
- 15 September 2013 to 14 September 2014 – 75 IDT, 15 membership, 30 ADT, 1 year qualifying for retirement, 120 total points creditable
- 15 September 2014 to 14 September 2015 – 78 IDT, 15 membership, 8 ADT, 1 year qualifying for retirement, 101 total points creditable
- 15 September 2015 to 14 September 2016 – 44 IDT, 15 membership, 14 ADT, 1 year qualifying for retirement, 73 total points creditable

3. In support of his case the applicant provides:

a. DA Forms 1380 showing various dates during the period of 23 September 2011 to 25 August 2016, which were submitted for points only for the completed anniversary years from 15 September 2010 to 14 September 2016. The forms are signed by his battalion commander, brigade deputy commanding officer, and S-1 NCOIC, and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

(1) 3, 10, 18 and 24 June 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(2) 1, 8, 15, 22 and 29 July 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(3) 5, 12, 19 and 26 August 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(4) 2, 9, 16 and 23 September 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(5) 1, 7, 14, 21 and 28 October 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(6) 4, 11, 17 and 25 November 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(7) 2, 9, 16, 23 and 30 December 2011 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(8) 6, 13, 19 and 27 January 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(9) 3, 10, 17 and 24 February 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(10) 2, 9, 13, 25 and 30 March 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(11) 6, 13, 21 and 27 April 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(12) 4, 11, 18 and 25 May 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(13) 1, 8, 15, 22 and 29 June 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(14) 6, 12, 20 and 27 July 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(15) 3, 10, 17, 24 and 31 August 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 10 points.

(16) 7, 14, 21 and 28 September 2012 – for 8 hours each day, N2 (nonpaid), he performed Commander's duties, to include sending and receiving official correspondence, unit training planning and coordination, and completing personnel actions; Totaling: 8 points.

(17) 2, 9 and 23 November 2013 – for 8 hours each day, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command Request For Information (RFI); Totaling: 6 points.

(18) 1, 8 and 15 February 2014 – for 8 hours each day, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 6 points.

(19) 14, 21 and 28 June 2014 – for 8 hours each day, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 6 points.

(20) 2, 9 and 23 August 2014 – for 8 hours each day, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 6 points.

(21) 15 October 2014 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(22) 12 November 2014 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(23) 10 December 2014 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(24) 14 January 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points (The DA Form 1380 is not signed by the S-1 NCO).

(25) 11 February 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(26) 11 March 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(27) 15 April 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(28) 13 May 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(29) 17 June 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points (The DA Form 1380 is not signed by the S-1 NCO).

(30) 15 July 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(31) 12 August 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(32) 9 September 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(33) 16 October 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(34) 13 November 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(35) 11 December 2015 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(36) 22 January 2016 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(37) 19 February 2016 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(38) 18 March 2016 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

(39) 15 April 2016 – for 8 hours, N2 (nonpaid), he performed the duties of Brigade S-2 to include managing security clearances of unit personnel, sending/receiving S-2 correspondence, addressing clearance issues, answering Command RFIs; Totaling: 2 points.

b. The totality of all DA Forms 1380 equaled 200 retirement points.

c. HRC Memorandum - Subject: DA Form 1380 Returned without Action, 5 June 2020, wherein, the HRC official, indicated the applicant's DA Forms 1380 contained multiple errors and were being returned without action to his unit and commanders. HRC referred the applicant to the ABCMR for processing of his DA Forms 1380.

4. On 19 December 2023, Headquarters, USAR Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for the applicant's case and recommended granting full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined he should be awarded full 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. 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. "Full administrative relief granted."

5. On 21 December 2023, the applicant was provided a copy of the USARC advisory opinion for comments 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that he performed duties as reflected on the DA Forms 1380 dated 23 September 2011, 29 September 2012, 20 October 2015, 25 April 2016, and 25 August 2016, but his retirement points were not corrected. The Board reviewed and agreed with the USARC advisory officials' finding that the applicant should be awarded full retirement points based off Army Regulation 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. 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 a result, the Board determined an error occurred and voted to grant 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 by:

- Showing the applicant timely submitted the referenced DA Forms 1380 (for points only) through and/or to the appropriate office for processing
- Showing the appropriate office timely received and processed his submitted DA Forms 1380 (for points only), provided all other criteria is met

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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 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual IDT in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, 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. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points.

c. Paragraph 3-3b (DA Form 1380) states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. Troop Program Units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the month's report and then place in the appropriate Army records information management system file. Nonpaid DA Forms 1380 will not be

entered into ADARS and will be forwarded to U.S. Army Human Resources Command for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//