

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 June 2024

DOCKET NUMBER: AR20230010859

APPLICANT REQUESTS: correction of retirement points for the period of February to April 2017 to reflect the addition of 5 points for retirement year ending 21 October 2017.

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
- Memorandum – Subject: Letter of Lateness for Updating Retirement Points Statement DA Form 5016 (Retirement Accounting Statement)
- DA Form 5016 (Chronological Statement of Retirement Points)
- Three DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Certificates
- SF 603A (Health Record Dental)
- Periodic Health Assessment (PHA) Form
- Email communication
- Leave and Earnings Statements (LES)

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 he out-processed one unit and in-processed another in 2017. He notes that his unit administrative personnel officer also departed the unit at this time. His former unit maintained personnel actions during this period, but since he was not present, he did not receive credit for several training events and medical appointments that he attended. He argues that he was not aware of the issue until 2019. He has made several unsuccessful attempts to have this corrected. He would like his records updated to reflect that he obtained 50 retirement points during this period. He is currently pending medical retirement and in absence of this correction he may not receive all of his benefits.

3. A review of the applicant's available service records show:

a. After serving in the Active Component for over 13 years, on 11 February 2015, the applicant was honorably discharged from active duty in accordance with Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Paragraph 5-8 (Parenthood).

b. On 22 October 2015, the applicant enlisted in the USAR for 6 years and was subsequently assigned to a TPU.

c. On 7 August 2023, an Informal Physical Evaluation Board convened finding the applicant physically unfit for continued military service with a recommendation that he be permanently medically retired. The applicant concurred with the board's recommendation and waived his right to a formal hearing.

d. On 7 December 2023, Headquarters, U.S. Army Physical Disability Agency issued Orders Number D 341-12 releasing the applicant from assignment and duty due to a physical disability incurred while entitled to basic pay and under conditions which permit his retirement for permanent physical disability, effective 6 January 2024.

4. The applicant provides:

a. TPU Personnel Actions Checklist reflective of the applicant's submitted request for a correction of his retirement points.

b. Memorandum – Subject: Letter of Lateness for Updating Retirement Points Statement DA Form 5016, reflective of the applicant's statement regarding the late submission of his retirement points noting the absence of S-1 personnel during his out-processing. He further provides that corrective actions were conducted in May of 2017, but since he was no longer assigned to the unit, his records were not included.

c. DA Form 5016, dated 27 March 2023, reflective of the applicant's creditable service completed during the period of 11 July 2001 – 21 October 2021. From 22 October 2016 – 21 October 2017, the applicant earned a total of 45 retirement points (30 Inactive Duty Training (IDT) and 15 Membership points).

d. DA Form 1380, dated 19 February 2017 reflective of the applicant's performance of qualifying service (Electronic Based Distance Learning (EBDL) and a dental appointment) for points only on 1 February 2017 (4 hours/1 point), 14 and 19 February 2017 (8 hours each day/4 points total). This document was endorsed by the applicant's commander on 17 March 2023.

- e. Certificate reflective of the applicant's completion of the Introduction to Hazardous Materials course on 1 February 2017.
 - f. SF 603A reflective of dental examination completed by the applicant on 14 February 2017.
 - g. Certificate reflective of the applicant's completion of the Risk Management Basic Course on 17 February 2017 and the Annual Department of Defense Cyber Awareness Challenge Exam on 19 February 2017.
 - h. DA Form 1380, dated 30 March 2017 reflective of the applicant's performance of qualifying service (PHA) for points only on 30 March 2017 (4 hours/1-point). This document is endorsed by the applicant's commander on 17 March 2023.
 - i. PHA Form reflective of redacted information pertaining to a PHA conducted on 30 March 2017.
 - j. DA Form 1380, dated 6 April 2017 reflective of the applicant's performance of equivalent training (EBDL) for points only on 6 April 2017 (8 hours/1 point). This document is endorsed by the applicant's commander on 17 March 2023.
 - k. Certificate reflective of the applicant's completion of the Introduction to Incident Command System Course on 2 April 2017 and the National Response Framework Course on 6 April 2017.
 - l. Email communication reflective of the applicant's submitted request for points being returned without action due to its late submission.
 - m. LES reflective of the applicant's pay and entitlements from 12 October 2016 – 29 September 2017.
5. A review of the applicant's detailed points history available within the Soldier Management System – Web (SMS-Web) is void of evidence of points previously awarded for the periods reflected on the DA Forms 1380.
6. On 27 February 2024, Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request noting that his points were not processed due to the departure of his unit S-1 personnel which was a contributing factor to the inaccuracy of his retirement points. As such, the applicant's records should be corrected to reflect 5 additional retirement points.

7. On 20 May 2024, the applicant was provided a copy of the advisory opinion and afforded 15 days to provide comments.
8. On 29 May 2024, the applicant responded in concurrence with the advisory opinion's recommendation.

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's points were not processed due to the departure of his administrative personnel and recommended relief in the form of five additional retirement points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 five qualifying retirement points for the retirement year ending 21 October 2017, 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.

REFERENCE:

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 2–4 (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
- eight-hour rule -- Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed

- Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4 hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening
- 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.

c. 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.

d. 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//