

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230010886

APPLICANT REQUESTS: Reserve retirement points added to his record for service performed on 1 July 2022 and 31 August 2022. He also requests a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Letter to the Board
- DA Forms 1380 (Record of Individual Performance of Reserve Training)
- Delegation of Signature Authority
- Retirement Accounting Statement
- Service Request Tracker

FACTS:

1. The applicant states in his application and letter to the Board:

a. He is requesting four retirement points added to his record for service performed on 1 July 2022 and 31 August 2022. He enclosed DA Forms 1380 reflecting dates and location for the requested points. He transferred from the Army National Guard (ARNG) to the U.S. Army Reserve (USAR) on 1 June 2022. He was informed by the ARNG personnel that service performed outside of pay status, such as those listed in the enclosed DA Forms 1380, were voluntary and not eligible for repayment.

b. He learned of the existence of the DA Form 1380 in September 2022 and began submitting them for additional retirement points immediately thereafter. He attempted to request action via his unit's Reserve Personnel Action Center on 7 August 2023, but was denied due to the length of time between the request and the duty completed.

c. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) governs the eligibility, policies, and procedures for the distribution of retirement points to members of the USAR. DA Form 1380 is the form used to apply for points. He transferred from the ARNG to the USAR on 1 June 2022. Unfortunately, he only learned of the existence of these documents in December 2022.

d. During his 15 years of service in the ARNG, he was informed by his leadership that work performed outside of drill weekends was unpaid, yet fully expected of staff officers. Regardless of the type of task-preparation for Command and Staff Brief, management of clearances, or annual Antiterrorism Level 1 training - staff officers were expected to volunteer their time without complaint. As any young second lieutenant would do, he obeyed. Now as a major, he realizes that he was misinformed by his leaders.

e. He submitted his first DA Form 1380 (for retirement points only) in December 2022 and continues to do so for every month since. While conducting an annual records review, he realized an error in his retirement points annual statement during his transition from the ARNG to the USAR in June 2022. The annual statement does not reflect any of the time he served in the USAR between his transition date and his anniversary date of 23 August 2022. This error is currently being addressed by his unit; however, further investigation revealed that his retirement points would not accurately reflect work completed outside drill weekend. DA Forms 1380 needed to be submitted to rectify this issue.

f. As a senior leader, he fully intended to share as much information as he had about accumulation of retirement points to his Soldiers. Soldiers deserve to be compensated appropriately for their time. He apologized for the lateness of his request. However, he is requesting the Board approve the addition of the requested points to his total retirement points to his total retirement points earned.

2. The applicant provides the following documents:

a. DA Forms 1380, which show he performed duty on:

- 8 July 2022, 4 hours (1 retirement point)
- 20 July 2022, 4 hours (1 retirement point)
- 4 August 2022, 4 hours (1 retirement point)
- 8 August 2022, 4 hours (1 retirement point)

b. Memorandum delegation of signature authority, 23 June 2023, which shows unit personnel authorized to sign for the commander on DA Forms 1380.

c. Service Request Tracker screenshots, which show the applicant's DA Forms 1380 were returned without action.

d. DA Form 5016 (draft only), 15 August 2023 shows from 23 August 2021 through 24 August 2022 he received 12 membership points and 282 active duty points. From 23 August 2022, he received 10 inactive duty points and 3 membership points.

3. The applicant's service record contains the following documents:

a. DA Form 71 (Oath of Office - Military Personnel), dated 23 May 2008 shows the applicant took the oath of office as a Reserve commissioned officer.

b. DA Form 5016 (Chronological Statement of Retirement Points), 18 May 2024 does not contains information beyond 31 May 2022.

4. On 15 February 2024, the Chief, Soldier Programs Branch, U.S. Army Reserve Command (USARC) provided an advisory opinion, which states USARC reviewed the applicant's documents and determined the applicant should be awarded four points based off AR 140-85. The applicant did not submit the forms in the timeline in the regulation but did perform the duty. A favorable adjudication by the Board would allow the Readiness Division to update the points. Full administrative relief granted.

5. On 29 February 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On the same day, the applicant responded stating he did not believe he had anything additional to add to the case and asked to proceed as indicated.

#### BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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 evidence shows the applicant performed duties as reflected on the DA Forms 130 he submitted. The Board reviewed and agreed with the USARC advisory official's determination that the applicant should be awarded four (4) retirement points. The applicant did not submit the forms in the timeline in the regulation but did perform the duty. The Board determined relief is warranted.

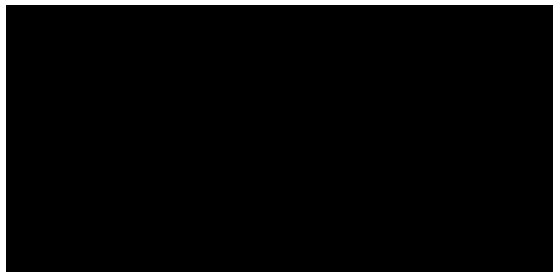
BOARD VOTE:

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 4 retirement points, based on his submitted DA Forms 1380 (points only), provided all other criteria is met.



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

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (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 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

c. Paragraph 3-3(b) provides that 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. 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 Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

2. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//