

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230010889

APPLICANT REQUESTS: retirement point credit for retirement year ending 28 August 2011.

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

- DD Form 149 (Application for Correction of Military Record), 15 August 2023
- DA Form 5016 (Chronological Statement of Retirement Points), 25 July 2020
- Memorandum, subject: Letter of Lateness for [Applicant], 16 March 2023

FACTS:

1. The applicant states he believes his retirement points for Fiscal Year 2011 (FY11) are incorrect because he did go to his Reserve unit. He remembers assisting the supply noncommissioned officer with administrative paperwork. He had the DA Form 1380 (Record of Individual Performance of Reserve Duty Training) signed but ended up losing the paper. The FY11 report shows he only accumulated 49 points.

2. The applicant provides:

a. His DA Form 5016, dated 25 July 2020, showing he earned 49 retirement points between 29 August 2010 to 28 August 2011.

b. a memorandum, dated 16 March 2023, showing he misplaced a DA Form 1380 for retirement points and did not turn it in.

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

a. On 17 September 2001, he enlisted in the Regular Army.

b. On 16 October 2005, he was honorably released from active duty and transferred to control of the U.S. Army Reserve.

c. On 30 March 2009, he was assigned to a troop program unit. He is currently assigned to a troop program unit (TPU) in the U.S. Army Reserve.

d. His DA Form 5016, dated 29 September 2023, shows he earned 49 retirement points for the retirement year ending 28 August 2011, as follows:

- service type: TPU
- 34 inactive duty points
- 15 membership points
- no extension course credits
- no active duty points
- year not qualifying for retirement

e. On 25 October 2023, he reenlisted in the USAR.

4. On 15 February 2024, Headquarters, U.S. Army Reserve Command, provided an advisory opinion in the processing of this case. The Chief, Soldier Programs Branch recommended disapproval of the applicant's request stating based on Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records, the Soldier did not provide a DA Form 1380.

5. On 15 February 2024, the applicant was provided a copy of the advisory opinion and given an opportunity to submit a response/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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that his retirement points for FY2011 are incorrect and that he had the DA Form 1380 signed but ended up losing the paper. The applicant does not provide evidence of the contested retirement point(s) in the form of a completed DA Form 1380 (Army Reserve Record of Individual Performance of Reserve Duty Training) authenticated by an authorized unit official. Likewise, the applicant does not provide evidence that such form was submitted through his unit administrator to the USAR Readiness Division. Additionally, the Board reviewed and agreed with the USARC advisory official's determination that since the applicant failed to provide a DA Form 1380, and that no administrative relief is granted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) sets responsibilities and procedures to establish and maintain retirement records prescribing the types of training and activities for which retirement points are authorized. It discusses the procedures for recording retirement point credits and training. It provides guidance for the use of completing the DA Form 1379 (U.S. Army Reserve Components Unit Record of Reserve Training) and DA Form 1380 (Army Reserve Record of Individual Performance of Reserve Duty Training).

a. Paragraph 2-1d states a maximum of 2 retirement points may be awarded in 1 calendar day for any activity or combination of activities.

b. Paragraph 2-1h states Soldiers are awarded 15 membership points for each year in an active status.

c. Paragraph 3-3 states the DA Form 1380 is used to record Inactive duty training (IDT) by Troop Program Unit Soldiers performing IDT assemblies when pay is authorized and the Soldier is not present to sign the IDT attendance roster.

d. Paragraph 3-3 further states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month. DA Form 1380 will be scanned into the Soldier's iPERMS by the unit of assignment as per Army Regulation 699-8-104.

2. Army Regulation 135-180 (Retirement for Non-Regular Service), implements statutory authorities governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard and Army National Guard of the United States or the U.S. Army Reserve. HRC will update the DA Form 5016 for USAR Soldiers annually at the end of their annual year and place it into their on-line record. Soldiers will review their retirement point statement annually and provide supporting documents to correct any deficiencies through their chain of command to HRC in accordance with AR 140-185. Discharged Soldiers with no military service obligation will receive an updated DA Form 5016 if a request is received with supporting documents and an account is already established in the Retirement Point Accounting System.

a. Paragraph 1-7. Service requirement for a satisfactory year of service for non-regular retirement. A qualifying year of service for non-regular retired pay is a full year during which a RC 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 1-8b. Establishment of anniversary year. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per DODI 1215.07 and changing the anniversary year ending date are as follows: the full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the Servicemember entered into active service or active status in a RC. The month and day for each successive anniversary year will not be adjusted unless the Servicemember has a break in service. A break in service occurs only when a member transfers to an inactive status list, the inactive National Guard, a temporary disability retired list, the Retired Reserve, or is discharged for longer than 24 hours. There will not be a break in service if the Servicemember transfers directly to another active component or RC. When a Servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry. When the anniversary date shown on any authorized DA Form 5016 is incorrect the Soldier's unit of assignment should submit a request for action to HRC via encrypted email for processing.

c. Paragraph 2-1. Criteria for crediting retirement points. The limitations on the number of points that may be credited to a Soldier during an anniversary year are:

- Maximum-365 (366 during leap year) points
- No more than one retirement point may be awarded for any day in which the Soldier is on active duty
- A maximum of two retirement points may be awarded in 1 calendar day for any activity or combination of activities
- 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
- Membership-Soldiers are awarded 15 membership points for each year in an active status

//NOTHING FOLLOWS//