

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230010923

APPLICANT REQUESTS: in effect,

- correction of his DA Form 5016 (Retirement Accounting Statement) to reflect the addition of 24 retirement points in Retirement Year Ending (RYE) 3 December 2021
- if relief is granted, payment for duty performed

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Special Operations Command (SOCOM) – Army Reserve Element (ARE) Memorandum, Subject: Master Sergeant (MSG) [REDACTED] (the applicant) Retirement Points Only Letter of Lateness
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for 16 April 2021
- DA Form 1380 for 5 May 2021
- DA Form 1380 for 18 August 2021
- DA Form 1380 for 20 through 24 September 2021
- DA Form 1380 for 27 through 30 September 2021 and 1 October 2021
- DA Form 5016 (Retirement Accounting Statement), 11 July 2023
- DA Form 5016 (Chronological Statement of Retirement Points), 22 August 2023
- Integrated Personnel and Pay System - Army (IPPS-A) Primary Points Detail
- Defense Joint Military Pay System - RC (DJMS-RC) Master Military Pay Account (MMPA) for Fiscal Year 2021 (FY 21)

FACTS:

1. The applicant states in effect, his RYE 3 December 2021 currently reflects 34 retirement points when it should reflect 55 creditable retirement points. Due to an administrative error, the DA Forms 1380 for his duty performed were either submitted incorrectly or not submitted for processing. The error occurred during the Coronavirus Disease 2019 (COVID-19) pandemic. During this time personnel were working remotely without the proper resources which also contributed to the administrative error in his retirement points. When he inquired about the missing retirement points, he was told

that due to the pandemic there was a delay in processing his requests for pay and retirement points; however, 2-years later he still has not received any pay nor the retirement points. The new personnel in the unit advised him to apply to the Army Review Boards Agency as there was nothing, they could do because of the time lapse between the duty performed and the current date.

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

- a. On 20 March 2002, the applicant enlisted in the Regular Army.
- b. On 19 March 2006, the applicant was honorably released from active duty and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement).
- c. On 12 December 2007, Orders Number M-12-703315, issued by the U.S. Army Human Resources Command (HRC), ordered the applicant to active duty in support of Operation Enduring Freedom, effective 24 February 2008.
- d. On 29 March 2009, the applicant was honorably released from active duty and assigned to the USAR Control Group (Reinforcement). DD Form 214 shows the applicant completed 1-year, 1-month, and 6-days of active service.
- e. On 8 May 2009, Orders Number C-05-909036, issued by HRC, assigned the applicant to a USAR Troop Program Unit (TPU), effective 7 May 2009.
- f. On 15 February 2011, Orders Number A-02-103288, issued by HRC, ordered the applicant to Contingency Operation for Active Duty Operational Support (CO-ADOS), effective 1 March 2011.
- g. On 26 August 2011, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 5-months and 26-days of active service.
- h. On 29 January 2013, Orders Number C-01-301682, issued by HRC, assigned the applicant to the USAR Control Group (Individual Mobilization Augmentee (IMA)), effective 29 January 2013 with duty at Special Operations Command Central (SOCCENT).
- i. Orders activated the applicant in support of named operations and Co-ADOS.
- j. On 30 March 2021, Orders Number C-03-103485, issued by HRC, assigned the applicant to USAR TPU SOCCENT, effective 29 March 2021.
- k. DA Form 1380 dated 30 April 2021 shows the applicant performed 8-hours of duty on 16 April 2021, he conducted intelligence analyst duties for two paid retirement

points. The DA Form 1380 was digitally signed on 30 April 2021 by Mr. [REDACTED] Human Resources (HR) Specialist as the officer who had knowledge of the duty performed. At the top of the DA Form 1380 a handwritten note stated only 1 retirement point was awarded.

l. DA Form 1380 dated 5 May 2021 shows the applicant performed 4-hours of duty on 5 May 2021, he conducted the annual Secretary of Defense extremism training for 1 paid retirement point. The DA Form 1380 was digitally signed on 6 May 2021 by Lieutenant Colonel (LTC) [REDACTED] Detachment 3 Officer in Charge as the officer who had knowledge of the duty performed.

m. DA Form 1380 dated 29 September 2021 shows the applicant performed 8-hours of intelligence analyst duties each day for 2 paid retirement points each day for the period of 27 through 30 September 2021 and 1 October 2021. The DA Form 1380 was digitally signed on 6 October 2021 by Mr. [REDACTED] HR Reserve Affairs Manager as the officer who had knowledge of the duty performed.

n. On 4 August 2022, HRC notified the applicant's unit via e-mail that effective 1 April 2022, processing of DA Forms 1380 for Soldiers assigned to a TPU are now processed at the Readiness Division. Please submit the action to the units servicing Readiness Division.

o. DA Form 1380 dated 10 August 2023 shows the applicant performed 8-hours of intelligence analyst duties each day for 2 paid retirement points each day for the period of 20 through 24 September 2021. The DA Form 1380 was digitally signed on 10 August 2023 by Major [REDACTED] SOCCENT Deputy J25 as the officer who had knowledge of the duty performed.

p. DA Form 5016 (Retirement Accounting Statement) dated 2 January 2024 shows in RYE 3 December 2021 the applicant obtained 19 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points for a total of 34 creditable points.

q. DA Form 5016 (Chronological Statement of Retirement Points) dated 21 May 2024 from the Soldier Management Services - Web Portal shows in RYE 3 December 2021 the applicant obtained 19 IDT points, 15 membership points, and zero active duty points for a total of 34 creditable points. The Retirement Points Detail shows the applicant was credited 1 retirement points for 16 April 2021 and 2 retirement points for 1 October 2021.

3. The applicant provides:

a. U.S. SOCOM – ARE Memorandum, Subject: MSG D-, M- Retirement Points Only Letter of Lateness stated the applicant's DA Forms 1380 were being submitted outside of the regulatory guidelines due to miscommunication and the lack of procedural knowledge of the personnel assigned to the HR section within the unit. The applicant's DA Forms 1380 had been previously submitted in a timely manner but were never processed. To mitigate this issue from reoccurring, the personnel in the HR section will be properly trained in the future.

b. DA Form 1380 dated 30 April 2021 shows the applicant performed 8-hours of duty on 16 April 2021, he conducted intelligence analyst duties for 2 paid retirement points. The DA Form 1380 was digitally signed on 30 April 2021 by Mr. [REDACTED] HR Specialist as the officer who had knowledge of the duty performed. At the top of the DA Form 1380 a handwritten note stated only 1 retirement point was awarded.

c. DA Form 1380 dated 5 May 2021 shows the applicant performed 4-hours of duty on 5 May 2021, he conducted the annual Secretary of Defense extremism training for 1 paid retirement point. The DA Form 1380 was digitally signed on 6 May 2021 by LTC [REDACTED] Detachment 3 Officer in Charge as the officer who had knowledge of the duty performed.

d. DA Form 1380 dated 18 August 2021 shows the applicant performed 4-hours of duty on 18 August 2021, he completed Sexual Harassment/Assault Response and Prevention training for 1 paid retirement point. The DA Form 1380 was digitally signed on 18 August 2021 by LTC [REDACTED] SOCCENT Reserve Affairs Program Manager as the officer who had knowledge of the duty performed.

e. DA Form 1380 dated 10 August 2023 shows the applicant performed 8-hours of intelligence analyst duties each day for 2 paid retirement points each day for the period of 20 through 24 September 2021. The DA Form 1380 was digitally signed on 10 August 2023 by Major [REDACTED] SOCCENT Deputy J25 as the officer who had knowledge of the duty performed.

f. DA Form 1380 dated 29 September 2021 shows the applicant performed 8-hours of intelligence analyst duties each day for 2 paid retirement points each day for the period of 27 through 30 September 2021 and 1 October 2021. The DA Form 1380 was digitally signed on 6 October 2021 by Mr. [REDACTED] HR Reserve Affairs Manager as the officer who had knowledge of the duty performed.

g. DA Form 5016 dated 11 July 2023 shows that during the RYE 3 December 2021 the applicant obtained 19 IDT points, 15 membership points, and zero ADT points for a total of 34 creditable points.

h. DA Form 5016 dated 22 August 2023 shows that during the RYE

3 December 2021 the applicant obtained 19 IDT points, 15 membership points, and zero ADT points for a total of 34 creditable points.

i. IPPS-A Primary Points Detail shows the applicant was paid and awarded 1 paid retirement point for 16 April 2021 for inactive duty.

j. DJMS-RC MMPA for FY 21 shows the applicant performed and was paid for duty on:

- morning of 5 January 2021 (calendar attendance)
- morning and afternoon of 24 through 26 February 2021 (calendar attendance)
- morning of 16 April 2021 (calendar attendance)
- morning of 25 May 2021 morning and afternoon of 1 October 2021 and 4 through 7 October 2021 (calendar attendance)

4. On 18 April 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated upon review of the documents the applicant provided it was determined the applicant should be awarded 24 retirement points.

5. On 17 May 2024, the Army Review Boards, Agency Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Board concurred with the conclusion of the advisory official and determined the applicant's record should be corrected to show he was credited with the retirement points documented on the DA Forms 1380 he provided with his application.

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 processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

11/1/2024
X [REDACTED]
CHAIRPERSON [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), in effect at the time, prescribes the types of training and activities or which retirement points are authorized and the procedures for recording retirement point credits and training for members of the USAR Soldiers.

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. Retirement points credited for activities other than active service or funeral honors duty may not exceed:

- For any anniversary years closing before 23 September 1996: 60 retirement points
- For anniversary years closing on or after 23 September 1996 but before 30 October 2000: 75 retirement points
- For anniversary years closing on or after 30 October 2000 but before 30 October 2007: 90 retirement points.
- For anniversary years closing on or after 30 October 2007: 130 retirement points

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 active duty for training (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 activities specified in this regulation.

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), Equivalent Training, or Additional Training Assemblies
- Two-hour rule; Soldiers earn one point for each IDT period per day for funeral honors duty with a maximum of one point per calendar day
- 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. 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.

e. 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. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

2. Department of Defense Instruction 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//