

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 May 2024

DOCKET NUMBER: AR20230010939

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect additional non-paid retirement points:

- 14 in Retirement Year Ending (RYE) 15 January 2021
- 22 in RYE 15 January 2022
- 26 in RYE 15 January 2023
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for November 2020
- DA Form 1380 for December 2020
- DA Form 1380 for January 2021
- DA Form 1380 for February 2021
- DA Form 1380 for May 2021
- DA Form 1380 for October 2021
- DA Form 1380 for November 2021
- DA Form 1380 for December 2021
- DA Form 1380 for February 2022
- DA Form 1380 for March 2022
- DA Form 1380 for April 2022
- DA Form 1380 for May 2022
- DA Form 1380 for June 2022
- DA Form 1380 for August 2022
- Headquarters (HQs), 961st Engineer Battalion Memorandum, Subject: Submission of DA Forms 1380 for Sergeant (SGT) P-, F- (the applicant)

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 in effect, the unit's Army Reserve Administrator (ARA) failed to submit his DA Form 1380s to the Reserve Personnel Action Centers (RAPC) that supported the unit or to the U. S. Army HRC for processing in a timely manner. This resulted in him missing almost 2-years of qualifying service for retirement which is preventing him in having 20 qualifying years for retirement. His request should be granted so he can be eligible for retirement.

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

a. With prior U.S. Navy (USN) and USN Reserve, Army National Guard (ARNG), and Regular Army enlisted service, on 2 November 2014, the applicant enlisted in the U.S. Army Reserve (USAR).

b. On 17 January 2018, the applicant reenlisted in the USAR with subsequent assignment to the USAR Control Group (Reinforcement).

c. On 22 March 2018, Orders Number 18-081-00002, issued by HQs, 63rd Readiness Division, the applicant was assigned to the USAR Control Group (Reinforcement) due to an immediate reenlistment, effective 26 February 2018.

d. On 16 September 2019, Orders Number C-09-911694, issued by the U.S. Army Human Resources Command, the applicant was assigned to a USAR TPU, effective 9 September 2019.

e. On 22 January 2021, the applicant reenlisted in the USAR.

f. On 27 September 2022, the applicant's company commander disqualified him for eligibility to be awarded the Army Reserve Component Achievement Medal for the period of 16 January 2016 through 15 January 2022 due to unsatisfactory participation in obtaining the minimum of 50 retirement points within each RYE.

g. DA Form 1380 dated 14 November 2022 shows the applicant rescheduled training on 11 May 2022 and 11 June 2022 for the November unit training assemblies. The DA Form 1380 also shows the applicant attended his unit training assemblies and reschedules training in a non-paid status. The DA Form 1380 was digitally signed on 14 November 2022 by Captain L- W-, Company Commander as the officer who had knowledge of the duties performed.

h. The applicant's DA Form 5016 dated 14 February 2023 shows the applicant obtained in RYE:

- 15 January 2021, 12 Inactive Duty Training (IDT) points, 15 membership points and 14 Active Duty Training (ADT) points for a total of 41 creditable points
- 15 January 2022, 12 IDT points, 15 membership points, and zero ADT points for a total of 27 creditable points
- 13 November 2022, 6 IDT points, 12 membership points, and zero ADT points for a total of 18 creditable points
- 15 January 2023, zero IDT points, 3 membership points, and zero ADT points for a total of 3 creditable points

The applicant's RYE was split due to the transition from the legacy system to Integrated Personnel and Pay System – Army (IPPS-A) for the Human Resources system of records.

The Annual Detail Supplement of the DA Form 5016 shows the applicant obtained:

- 1 retirement point for 23 April 2022
- 1 retirement point for 10 June 2022
- 2 retirement points of 5 November 2022
- 2 retirement points of 6 November 2022

i. The applicant's DA Form 5016 dated 14 February 2024 shows the applicant obtained in RYE:

- 15 January 2021, 12 IDT points, 15 membership points, and 14 ADT points for a total of 41 creditable points
- 15 January 2022, 12 IDT points, 15 membership points, and zero ADT points for a total of 27 creditable points
- 13 November 2022, 6 IDT points, 12 membership points, and zero ADT points for a total of 18 creditable points
- 15 January 2023, zero IDT points, 3 membership points, and zero ADT points for a total of 3 creditable points

The applicant's RYE was split due to the transition from the legacy system to Integrated Personnel and Pay System – Army (IPPS-A) for the Human Resources system of records.

4. The applicant provides:

a. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 6 November 2020, attending weapons familiarization and Introduction to Marksmanship training and performed Army Battle Drills
- 7 November 2020, completed weapons qualification and provided range safety assistance
- 8 November 2020, provided a class on weapons target engagement and provided range safety assistance

The DA Form 1380 was digitally signed on 24 February 2023 by Lieutenant Colonel (LTC) D- G-, Commander as the officer who had knowledge of the duty performed.

b. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 12 December 2020, conducted supply inventory and attended mandatory Sexual Harassment Assault Response and Prevention training
- 13 December 2020, conducted motor pool inventory and attended mandatory Equal Opportunity training

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

c. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 9 January 2021, performed the record Army Combat Fitness Test (ACFT) and completed Military Occupational Specialty (MOS) skill level 1 training
- 10 January 2021, provided Army Warrior Task (AWT) training in Perform Voice Communications and Preventative Maintenance on Vehicles

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

d. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 27 February 2021, assisted with Squad Leader tasks and MOS related instructive tasks
- 28 February 2021, conducted supply and motor pool inventory

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

e. DA Form 1380 dated 30 October 2022 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 20 May 2021, attended home station field training exercise, performed weapons qualification and attended AWT training
- 21 May 2021, attended home station field training exercise and provided range safety assistance
- 22 May 2021, attended home station field training exercise, provided range safety assistance and provided training on weapons malfunctions
- 23 May 2021, attended home station field training exercise, completed administrative due outs and weapons cleaning

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

f. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 16 October 2021, performed a diagnostic ACFT, initiated preventive maintenance on vehicles and weapons qualification
- 17 October 2021, attended Operational Security training, completed preventative maintenance on vehicles, and assisted with weapons cleaning

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

g. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points on 14 November 2021, attended preliminary marksmanship instruction and AWT training on Shoot/Maintain, Employ and Engage Targets

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

h. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 2 December 2021, attended situational training exercise and AWT – Identify Terrain Features on a Map

- 3 December 2021, attended AWT – Use Signaling Techniques and Measure Distance on a Map and gave a AWT class on Move Under Direct Fire

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

i. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 12 February 2022, assisted with drivers training and attended Equal Opportunity/Equal Employment Opportunity training
- 13 February 2022, assisted with drivers training and attended AWT training on Evaluating a Casualty

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

j. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 18 March 2022, performed diagnostic ACFT and attended AWT training on React to Chemical and Biological Hazardous Attack
- 19 March 2022, attended Anti-Terrorism Level 1 training and assisted with range preparations
- 20 March 2022, assisted with range preparation and attended AWT training on Engage Targets with M16

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

k. DA Form 1380 dated 21 February 2023 shows the applicant performed on:

- 22 April 2022; 8-hours for 2 non-paid retirement points, completed weapons qualification and performed range operations duties
- 23 April 2022; 4-hours for 1 non-paid retirement point, performed range operation duties and assisted in providing training on Correcting Malfunctions with M16/M4

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

l. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 21 May 2022, attended Mission Essential Task and Collective Task Platoon Level assignments
- 22 May 2022, attended Mission Essential Task and Collective Task Platoon Level assignments

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

m. DA Form 1380 dated 30 October 2022 shows the applicant performed on:

- 10 June 2022; 4-hours for 1 non-paid retirement points, attended convoy operations and drivers training
- 11 June 2022; 8-hours for 2 non-paid retirement points, assisted with extended combat training preparation
- 12 June 2022; 8-hours for 2 non-paid retirement points, assisted with extended combat training preparation

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

n. DA Form 1380 dated 21 February 2023 shows the applicant performed 8-hours of duty for 2 non-paid retirement points each day on:

- 27 August 2022, assisted with extended combat training recovery and attended Master Resilience training
- 28 August 2022, assisted with extended combat training recovery

The DA Form 1380 was digitally signed on 24 February 2023 by LTC D- G-, Commander as the officer who had knowledge of the duty performed.

o. HQs, 961st Engineer Battalion Memorandum, Subject: Submission of DA Forms 1380 for SGT P-, F- (the applicant) stated the unit's ARA failed to submit the applicant's DA Forms 1380 for the duties he performed to the supporting Reserve Personnel Action Center for HRC processing in a timely manner which resulted in the applicant being prevented in obtaining 20 qualifying years for retirement.

5. On 21 December 2023, in the processing of this case, HQs, 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 in reviewing the documents the applicant provided it was determined the applicant should be awarded 62 retirement points. The applicant submitted the DA Forms 1380 for duty performed outside of his scheduled unit training assemblies. Due to administrative errors, the DA Forms 1380 could not be processed in a timely manner though he performed the duty. A favorable

decision will allow the Readiness Divisions to process the DA Forms 1380 for retirement points.

6. On 30 December 2023, 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. 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 applicant contends that his DA Form 5016 should be corrected to show additional retirement points in years 2021, 2022, and 2023. The Board reviewed and agreed with the USARC advisory official's determination that the applicant should be awarded 62 retirement points. The applicant submitted the DA Forms 1380 for duty performed outside of his scheduled unit training assemblies. Due to administrative errors, the DA Forms 1380 could not be processed in a timely manner though he performed the duty. The Board agreed that 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:

- 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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 15-185 (Army Board for Correction of Military Records (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 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.

3. AR 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.

4. 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//