

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2024

DOCKET NUMBER: AR20230010951

APPLICANT REQUESTS:

1. Correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 20 September, 25 October, 13 December 2021, and 14 February, 21 March, 25 April, 23 May, 24 July, 16 August 2022, were accepted and added to his record for the anniversary years of –

- 6 July 2021 to 5 July 2022
- 6 July 2022 to 13 November 2022

2. 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 Forms 1380, 20 September, 25 October, and 13 December 2021
- DA Forms 1380, 14 February, 21 March, 25 April, 23 May, 24 July, and 16 August 2022
- Memorandum for Record (MFR) – Subject: Fiscal Year (FY) 2022 August Inactive Duty Training (IDT) Drill Attendance Code Update for Applicant, 19 May 2023
- MFR – Subject: FY 23 December IDT Drill Attendance Code Update for Applicant, 19 May 2023

FACTS:

1. The applicant states:

a. His retirement points were not correctly credited to his records, causing him to have non-creditable years. The errors were made in months that he attended battle assembly and months he had approved Rescheduled Training (RST). The dates are uploaded as supporting documents on corresponding DA Forms 1380 and or the battle assembly attendance records. Due to his age, he will not qualify for retirement due to the bad years without his records being corrected. Therefore, the 15 years of active duty

and thus far 3.5 years of Reserve will go unrewarded with retirement pay. To him that will be an injustice.

b. The error occurred when the Unit Administrator improperly submitted the points only DA Forms 1380 and/or the battle assembly attendance records. He signed in at every battle assembly he attended and submitted "RST" and DA Forms 1380. He has been working on this correction since April of 2022. He did not get it fixed and things continued to get worse.

2. A review of the applicant's official records show the following:

a. Having prior enlisted service in the Regular Army (RA), U.S. Army Reserve (USAR), and after a break in service, he enlisted in the RA on 6 July 2010 and reenlisted on 28 March 2013 and 12 February 2014.

b. On 11 December 2020, he was honorably released from active duty and was transferred to his USAR unit in [REDACTED]. A DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 10 years, 5 months, and 6 days net active duty this period and he had 3 years, 10 months, and 2 days total prior active service.

c. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 8 August 2023, which shows the applicant's total career retirement points earned as 106 IDT, 21 extension course, 88 membership, 5251 Active Duty Training (ADT), 16 years qualifying for retirement, 5466 points earned and 5466 points creditable. In relevant part, it also shows for the completed anniversary years listed below he earned the following retirement points:

- 6 July 2021 to 5 July 2022 – 12 IDT, 15 membership, 27 points earned and 27 points creditable
- 6 July 2022 to 13 November 2022 – 8 IDT, 5 membership, 13 points earned and 13 points creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 10 May 2024, which shows a total of 78 IDT points, 21 extension course points, 73 membership points, 5247 ADT points, 16 years and 19 days qualifying for retirement, and 5419 points creditable. It also shows for the completed anniversary year 6 July 2021 to 5 July 2022, he earned:

- 12 IDT points
- 15 membership points

- 27 total points creditable

3. In support of his case the applicant provides:

a. DA Forms 1380 showing various dates during the period of 20 September 2021 to 16 August 2022, which were submitted for points only for the completed anniversary years from 6 July 2021 to 13 November 2022. The forms are signed by his commander, Major [REDACTED] and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

(1) 18 and 19 September 2021 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, Indianapolis, IN, he performed the following duties: Religious support planning; Totaling: 4 points.

(2) 23 and 24 October 2021 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, [REDACTED] he performed the following duties and training: ACFT (Army Combat Fitness Test), Computer Training, Religious support planning; Totaling: 4 points.

(3) 9, 10, 11 and 12 December 2021 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, [REDACTED] he performed the following duties and training: AWT (Army Warrior Tasks) and Religious support planning; Totaling: 8 points.

(4) 12 and 13 February 2022 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, [REDACTED] he performed the following duties and training: Weapons cleaning, religious support, and Religious support planning; Totaling: 4 points.

(5) 19 and 20 March 2022 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, [REDACTED] he performed the following duties and training: EO and SHARP training, religious support, and Religious support planning; Totaling: 4 points.

(6) 23 and 24 April 2022 – for 8 hours each day, N2 (nonpaid), in [REDACTED] he performed the following duties and training: Battle Focused Training (BFT) preparation and mandatory online training for BFT; Totaling: 4 points.

(7) 21 and 22 May 2022 – for 8 hours each day, N2 (nonpaid), at the Army Reserve Center, [REDACTED] he performed the following duties and training: Engagement Skills Training, IWG Table II training and religious support; Totaling: 4 points.

(8) 22 and 23 July 2022 – for 8 hours each day, N2 (nonpaid), in [REDACTED] he performed the following duties and training: Mandatory online training; Totaling: 4 points.

(9) 12, 13, 14 and 15 August 2022 – for 8 hours each day, N2 (nonpaid), in [REDACTED] he performed the following duties and training: Prepared event details for Strong Bonds event, sent and managed registration for Strong Bonds event, confirmed location and details of Strong Bonds event, and completed and submitted closeout documents for Strong Bonds event; Totaling: 8 points.

b. MFR – Subject: FY 22 August IDT Drill Attendance Code Update for Applicant, dated 19 May 2023, wherein, his commander states, on 16 August 2022, the applicant was inadvertently coded S - RST Scheduled for pay periods 12-15 August 2022. The applicant was performing duty 12-15 August 2022. The applicant was preparing event details for a Strong Bonds Event. The applicant submitted a DA Form 1380 for Points only. The Unit Pay Administrator (UPA) updated the applicant's drill attendance code for 12-15 August from S - RST Scheduled to N - Performed Duty-Points Only. An alternate certifying official will review all supporting documents against data input by the UPA prior to assigning the Transmittal Letter (TL) number per USAR Pam 37-1, paragraph 1-11a(2) for all future TLs to prevent miscoding and preventable debits.

c. MFR – Subject: FY 23 December IDT Drill Attendance Code Update for Applicant, dated 19 May 2023, wherein, his commander states, on 7 December 2022, the applicant was inadvertently coded N - Performed Duty- Points Only for pay periods 3-4 December 2022. The applicant was performing duty 3-4 December 2022. The applicant performed a virtual Battle Assembly with the 310th ESC. The UPA updated the applicant's drill attendance code for 3-4 December from N - Performed Duty - Points Only to P - Performed Duty.

4. On 4 January 2024, the Chief, Soldier Programs Branch, USAR Command, provided an advisory opinion for this case and recommended granting full administrative relief. The advisory official stated USARC reviewed the applicant's documents and determined he should be awarded 44 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted his DA Forms 1380 for points for duties performed outside of the scheduled Battle Assembly. Due to the unit's administrative errors, it could not be processed in a timely manner. A favorable decision will allow the Readiness Divisions to process the DA Forms 1380 for retirement points.

5. On 9 January 2024, the applicant responded to the USARC advisory opinion and stated thanks for the great news on his correction request. He has no comments to make. Please submit for final approval. He is up against a deadline to submit and

receive a waiver for maximum age. The sooner his points are corrected the sooner his waiver can be approved.

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 Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.
2. The Board concurred with the conclusion of the advisory official that administrative errors outside of the applicant's control resulted in him not being awarded retirement points he had earned. The Board determined the applicant's record should be corrected by processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

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.

9/24/2024

XCHAIRPERSON


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 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. In relevant part, the regulation states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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.

2. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training

- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, 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. 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 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points.

c. Paragraph 3-3b (DA Form 1380) states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. Troop Program Units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the month's report and then place in the appropriate Army records information management system file. Nonpaid DA Forms 1380 will not be entered into ADARS and will be forwarded to U.S. Army Human Resources Command for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//