

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230011019

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect an additional 30 non-paid retirement points in Retirement Year Ending (RYE) 22 May 2022.

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 June 2021
- DA Form 1380 for July 2021
- DA Form 1380 for August 2021
- DA Form 1380 for September 2021
- Emails between the applicant and his unit during the period of 31 August 2022 through 6 October 2022
- Emails between the applicant and his unit during the period of 15 November 2021 through 11 October 2022
- Emails between the applicant and his unit during the period of 14 November 2022 through 25 January 2023
- Email from the applicant's unit dated 9 January 2023
- Email between the applicant and his unit during the period of 18 May 2023 through 10 July 2023

FACTS:

1. The applicant states in effect, he submitted his DA Form 1380s for duty performed during the period of June 2021 through September 2021; however, he was advised he could not be paid for this duty because he exceeded his 48 unit training assemblies for the fiscal year and he could only receive non-paid retirement points. He would have to resubmit his DA Forms 1380 after he corrected them to reflect points only. A short time later, he was assigned to another unit to be deployed and his previous unit could no longer process his personnel and pay actions. His new unit was unable to process his DA Forms 1380 due to the turnover of personnel and the difficulty with communication during his deployment. He sent multiple emails which were either unanswered or not followed up on.

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

a. On 23 May 2007, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

b. On 29 August 2007, Orders Number C-08-726191, issued by the U.S. Army, Human Resources Command, assigned the applicant to the U.S. Army Reserve (USAR) Control Group (Officer Active Duty Obligor) due to his appointment, effective 23 May 2007.

c. On 28 March 2011, Orders Number A-03-106415, issued by HRC, ordered the applicant to active duty to fulfill an active duty requirement in a voluntary indefinite status, effective 7 June 2011.

d. On 7 June 2011, the applicant executed his oath of office and was appointed as a Regular Army officer in the Medical Corps.

e. On 2 July 2020, the applicant was honorably released from active duty and assigned to a USAR Troop Program Unit. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 9-years and 26-days of active service.

f. On 10 December 2021, Orders Number UV-344-0002 issued by Headquarters, U.S. Army Reserve Command (USARC) ordered the applicant to active duty in support of Operation Inherent Resolve for a period of 140 days and was assigned to the 691st Medical Team.

g. DA Form 5016 dated 21 June 2023 shows in RYE 22 May 2022 the applicant earned 13 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points for a total of 28 creditable points. The applicant did not obtain a qualifying year for retirement.

3. The applicant provides:

a. DA Form 1380 dated 7 July 2021 which shows the applicant performed 8-hours of duty each day at the Cleveland Clinic as the Cardiac Emergency Team Leader for 2 non-paid retirement points for each day on:

- 16 June 2021
- 18 June 2021
- 28 through 29 June 2021

The DA Form 1380 was signed by Doctor (Dr.) [REDACTED] as the officer who had knowledge of duties performed.

b. DA Form 1380 dated 27 July 2021 which shows the applicant performed 8-hours of duty each day at the Cleveland Clinic as the Cardiac Emergency Team Leader for 2 non-paid retirement points for each day during the period of 7 through 9 July 2021. The DA Form 1380 was signed by Dr. [REDACTED] as the officer who had knowledge of duties performed.

c. DA Form 1380 dated 7 September 2021 which shows the applicant performed 8-hours of duty each day at the Cleveland Clinic as the Cardiac Emergency Team Leader for 2 non-paid retirement points for each day on:

- 23 August 2021
- 25 August 2021
- 26 through 27 August 2021

The DA Form 1380 was signed by Dr. [REDACTED] as the officer who had knowledge of duties performed.

d. DA Form 1380 dated 27 September 2021 which shows the applicant performed 8-hours of duty each day at the Cleveland Clinic as the Cardiac Emergency Team Leader for 2 non-paid retirement points for each day during the period of 13 through 16 September 2021.

The DA Form 1380 was signed by Dr. [REDACTED] as the officer who had knowledge of duties performed.

e. Emails between the applicant and his unit during the period of 31 August 2022 through 6 October 2022 in effect, shows the applicant requested assistance in getting his DA Forms 1380 processed from the previous year after they were rejected because he exceeded the 48 unit training assemblies for the fiscal year without resolution.

f. Emails between the applicant and his unit during the period of 15 November 2021 through 11 October 2022 in effect, shows the applicant inquired about the status of his DA Forms 1380 which were submitted for pay. He was notified that he exceeded his maximum unit training assemblies for the fiscal year and would have to resubmit them for points only. His unit assisted him in getting the DA Forms 1380 corrected for resubmission.

g. Emails between the applicant and his unit during the period of 31 October 2022 through 25 January 2023 in effect, shows the applicant inquired about the status of his DA Form 1380s which had been resubmitted but with no resolution.

h. Email from the Army Medical Department Professional Management Command (APMC) dated 9 January 2023 in effect, states that due to the transition from the legacy personnel system to the Integrated Personnel and Pay System - Army Soldiers attached to the APMC were no longer showing in the system to be able to process DA Forms 1380. The programmers were working to resolve the issue. In order to process their pay, the Soldiers would have to contact their assigned unit for assistance. The recipients of the e-mail were advised to contact the Soldiers who assisted them with the processing of their DA Forms 1380 to prevent rejection of the documents.

i. E-mail between the applicant and his unit during the period of 18 May 2023 through 10 July 2023 in effect, shows the applicant's DA Forms 1380 were submitted to the Readiness Division for processing. The applicant was notified the documents were rejected by HRC because the duty was performed more than 1-year prior. The applicant would have to apply to the Army Review Boards Agency for resolution.

4. On 19 December 2023, in the processing of this case, HQs, USARC, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated the applicant should be granted full administrative relief and be awarded retirement points. The applicant's DA Forms 1380 were not submitted in a timely manner due to cross level for deployment. He should not be penalized because his previous unit was not able to process his DA Forms 1380 in a timely manner.

5. On 21 December 2023 [sic], the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment.

6. On 20 December 2023, the applicant responded via e-mail stating he did not have any further comments and he awaits the final determination of the Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official and determined the applicant's record should be corrected to show the retirement points documented on the DA Forms 1380 he provided in support of 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 █	
CHAIRPERSON	
█	

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 (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either Rescheduled Training (RST) or, Unit Training Assemblies (UTA) or Multiple Unit Training Assemblies (MUTA). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to

unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14.2 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

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, Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. 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.

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 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 training of individual Soldier in a non-pay status.

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, RST, ET, or Additional Training Assemblies
- 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. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. 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.

f. 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.

3. 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//