

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011190

APPLICANT REQUESTS: in effect, correction of his record to show the submitted DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 7 June 2023, was accepted and retirement points added to his record for the anniversary year of 20 September 2021 to 19 September 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380, 7 June 2023

FACTS:

1. The applicant states he requests to process DA Form 1380 for points only. The DA Form 1380 was not submitted on time, and he was directed to submit his request to the Army Review Boards Agency via DD Form 149.

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

a. Having prior enlisted service in the Army National Guard, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office on 15 July 2020.

b. His record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 19 October 2023, which shows the applicant's total career retirement points earned as 422 Inactive Duty Training (IDT), 180 membership, 358 Active Duty Training (ADT), 9 years qualifying for retirement, 960 points earned and 960 points creditable. In relevant part, it also shows for the completed anniversary year 20 September 2021 to 19 September 2022, he earned the following retirement points:

- |                    |                      |
|--------------------|----------------------|
| • 30 IDT           | 15 membership        |
| • 45 points earned | 45 points creditable |

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 16 May 2024, which shows a total of 394 IDT points, 165 membership points, 344 ADT points, 8 years qualifying for retirement, and 903 points creditable. It also shows for the completed anniversary year 20 September 2021 to 19 September 2022, he earned the following retirement points:

- 30 IDT                      15 membership
- 45 total points creditable

3. The applicant provides DA Form 1380 dated 7 June 2023, which was submitted for points only for the completed anniversary year of 20 September 2021 to 19 September 2022. The form is signed by his commander and shows the applicant's dates, hours, retirement points, location of duties, nature of duties, training, or instruction, as follows:

- 22 January 2022 – for 4 hours, N-1 (nonpaid), in Syracuse, NY, he attended an annual vision exam through LHI; Totaling: 1 point.
- 15 February 2022 – for 4 hours, N-1 (nonpaid), in Syracuse, NY, he attended a DEERS appointment; Totaling: 1 point.
- 16 February 2022 – for 4 hours, N-1 (nonpaid), in Syracuse, NY, he attended an annual dental exam through LHI; Totaling: 1 point.
- 9 August 2022 – for 4 hours, N-1 (nonpaid), in Syracuse, NY, he attended an annual physical exam through LHI; Totaling: 1 point.
- 9 September 2022 for 4 hours, N-1 (nonpaid), in Marcy, NY, he performed pre-BTA conference calls, 1 hour each for months of June, July, August, and September 2022; Totaling: 1 point.

4. On 21 December 2023, the Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for the applicant's case and recommended granting full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined he should be awarded five (5) points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted the DA Form 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, but he did perform the duty. A favorable decision will allow the Readiness Divisions to process the DA Form 1380 for retirement points. "Full administrative relief granted."

5. On 30 December 2023, the applicant was provided a copy of the USARC advisory opinion to allow for comments or 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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends the DA Form 1380 was not submitted on time, and he was directed to submit his request to this Board. The Board reviewed and agreed with the USARC advisory official's finding the applicant's documents and determined he should be awarded five (5) points based off Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted the DA Form 1380 for points for duties performed outside of the scheduled Battle Assembly. Due to unit's administrative errors, it could not be processed in a timely manner, but he did perform the duty. The Board determined administrative relief granted.

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 awarding the applicant qualifying 5 retirement points, based on his submitted DA Forms 1380, dated 7 June 2023, (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. 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 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

2. 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//