

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230011527

APPLICANT REQUESTS:

- retirement points for duty performed
- review of her points for retirement year June 2021 through June 2022
- 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 5016 (Retirement Accounting Statement (Draft))
- Primary Points Detail
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states:

a. She was transferred to the individual ready reserve (IRR) effective 6 April 2022 and has submitted some DA Forms 1380 for rescheduled training (RST) that she performed with a local unit in addition to some scheduled appointments for readiness since Logistics Health Incorporated (LHI) was not available overseas.

b. She is requesting the missing RSTs be processed along with the Electronic Based Distributed Learning (EBDL) (for retirement points) to be processed. Also, her points are not showing within the required anniversary year of June 2021 through June 2022 and she is requesting that to be reviewed and corrected as well so that she can receive her 20 year letter and submit for her retirement.

c. The year 2021-2022 was the last good year she needed to meet her 20 years for retirement. She was working with her prior unit and obtained permission from her leadership to complete the required training with the local overseas unit to complete the necessary RST/EBDL to have a good year and meet her 20 years requirement. However, due to multiple personnel changes, her requests went unprocessed or the errors were not corrected.

d. The applicant still has two RST points for the date of 4 April 2022 and six EBDL points that have not been processed although she submitted the request twice and received email confirmation they were being processed. All other points have been processed; however, they are falling out of date and not showing as within the June 2021 through June 2022 timeline, which is what is required for her to have a good year. She is submitting all documents for the Board's review so she can be eligible for retirement. She is currently living overseas at MCAS Iwakuma, Japan, due to her spouse's permanent change of station.

2. The applicant provides DA Forms 1380, which are signed by an officer having knowledge of duties performed and show the applicant performed duty on:

- 15 January 2022 through 19 January 2022, 8 hours per day (10 total retirement points)
- 24 January 2022, 8 hours (2 retirement points)
- 4 April 2022, 8 hours (2 retirement points)

3. The applicant's service record contains the following documents:

a. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows the applicant enlisted in the U.S. Army Reserve (USAR) on 26 June 2002 and remained in the USAR through reenlistments and extensions of her enlistment.

b. Orders 22-096-00015, published by Headquarters, 88th Readiness Division, dated 6 April 2022 transferred the applicant to USAR Control Group (Reinforcement) effective 6 May 2022.

c. DA Form 5016 (Chronological Statement of Retirement Points), dated 18 May 2024 shows from 26 June 2021 through 26 June 2022 the applicant received 10 inactive duty points and 15 membership points. She had 19 years qualifying for retired pay.

4. On 23 February 2024, the Chief, Personnel Services Division, U.S. Army Human Resources Command (AHRC) provided an advisory opinion, which states:

a. The applicant is requesting the accreditation of retirement points for duty performed in January and April 2022.

b. AHRC reviewed the application. Army Regulation (AR) 140-185 (Training and Retirement Points Credits and Unit Level Accounting Records), paragraph 3-3 requires that nonpaid DA Forms 1380 be forwarded to AHRC for award of retirement points no later than the end of each duty month. The enclosed DA Forms 1380 are prepared for pay processing.

c. The DA Forms 1380 were not prepared or submitted for pay in accordance with AR 140-185. AHRC cannot award nonpaid retirement points without direction from the Board.

5. On 1 March 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. On 4 March 2024, the applicant responded stating:

a. She was submitting emails and signed DA Forms 1380 in addition to her accounting statement for review. She completed LHI appointments, EBDL, and RST to ensure she received enough points to have a good year with approval from her leadership.

b. She was drilling with a local unit in Marine Corps Air Station, Iwakuma, Japan, as she had moved with her spouse in September 2022 and her unit commander authorized her to earn enough points prior to transferring her to the IRR so she could receive her final good year to be eligible for a 20 year retirement.

c. She had a hard time receiving assistance and was given the runaround many times causing a delay in getting her DA Forms 1380 processed. She has worked very hard throughout her military career and dedicated 20 years to the military.

d. She is requesting a review to be awarded all retirement points, which were earned between August 2021 through April 2022. She no longer has access to her enterprise email, therefore could not obtain all of her emails showing she had sent her EBDL document to various people to no avail as the three to four people who knew her situation had at some point transitioned out of the unit leaving her to explain multiple times to get her DA Forms 1380 processed.

e. She reviewed her points and it seems she has 44 retirement points and noticed her April 2022 DA Form 1380 was not processed for pay. That would have taken her to 46 points plus the EBDL points she completed in January 2022 and would have taken her to over 50 points. Another thing she noticed, which she may be reading wrong, is that not all of her points are falling within the June 2021 through June 2022 year. She is hoping this will be resolved soon as she has been dealing with this stressful situation for almost two years.

f. She believes it would a disservice to her if her EBDL points were not awarded as she completed them while she was still a troop program unit (TPU) Soldier assigned to a TPU unit and she submitted them multiple times over many months to try to get them processed.

6. The applicant included the following documents with her rebuttal:

a. A draft DA Form 5016, dated 31 May 2023, which is available for the Board's consideration.

b. Additional DA Forms 1380, which are signed by an officer having knowledge of the duties performed and show the applicant performed duty on the following dates (not previously discussed in the Record of Proceedings):

- 2 June 2021, 4 hours (1 retirement point)
- 30 June 2021, 4 hours (1 retirement point)
- 28 August 202, 4 hours (1 retirement point)
- 21 October 2021, 4 hours (1 retirement point)
- 13 October 2021 through 15 October 2021, 8 hours per day (6 total retirement points)
- 24 February 2022 through 25 February 2022, 8 hours per day (4 total retirement points)
- 1 March 2022, 8 hours (2 retirement points)
- 3 March 2022, 8 hours (2 retirement points)
- 8 March 2022, 8 hours (2 retirement points)
- 4 January 2022, 4 hours (1 retirement point)
- 19 January 2022, 4 hours (1 retirement point)
- 3 January 2022, 4 hours (1 retirement point)
- 5 April 2022, 8 hours (2 retirement points)

c. Emails from the applicant, wherein the applicant reached out to unit personnel regarding her DA Forms 1380 for EBDL and LHI. The applicant submitted the DA Forms 1380, certificates, and appointment information to several unit personnel on several occasions requesting the receipt of retirement points and/or pay. The responses from the unit personnel were not provided. The emails are available for the Board's review.

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 found the evidence clearly shows the applicant performed duty for which she did not receive retirement points or pay she was due. The Board determined the applicant's record should be corrected by processing the DA Forms 1380 she provided in support of her application to update her retirement points to reflect any additional points she earned for which she has not already received credit. She should also receive any pay she is due as a result of these corrections.

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 she provided in support of her application to update her retirement points to reflect any additional points she earned for which she has not already received credit. She should also receive any pay she is due as a result of these corrections.

	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 prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers.
 - a. Paragraph 2-2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status

b. Paragraph 2–4 states, 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day

c. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only. 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 Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

2. Army Regulation 15-185 (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 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.

//NOTHING FOLLOWS//