

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011532

APPLICANT REQUESTS: correction of retirement points for the Retirement Year Ending (RYE) 7 January 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- Troop Program Unit (TPU) Personnel Actions Checklist
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Transaction Log History
- Memorandum – Subject: Delegation of Signature Authority, 10 January 2022

FACTS:

1. The applicant states in pertinent part that her records do not accurately reflect all qualifying service performed in 2021. She notes that 4-months after her separation from military service on 7 January 2022, she was notified that her records did not reflect 20 years of service. She contests that this error is due to the failure of her Unit Administrator to properly code her DA Forms 1380. After numerous attempts to correct the error, she was advised to seek relief through this Board with the argument that she has completed 20 years of service and would like to start receiving her retirement pay.

2. A review of the applicant's available service records reflects the following:

a. On 23 July 1981, the applicant enlisted in the Regular Army to serve as a 76Y (Unit Supply Specialist).

b. On 10 February 1992, the applicant was released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement).

c. On 8 January 2011, the applicant enlisted in the USAR and was subsequently assigned to a TPU.

d. On 30 April 2020, Headquarters, 81st Readiness Division issued Orders Number 20-121-00152 reassigning the applicant to the 1015th Combat Sustainment Maintenance Company, effective 29 May 2020.

e. On 15 October 2021, Headquarters, 81st Readiness Division issued Orders Number 21-288-00011 reassigning the applicant to the Retired Reserve, effective 7 January 2022, due to reaching the maximum age.

3. DA Form 5016 (Chronological Statement of Retirement Points), 18 April 2024, reflects:

- for RYE 7 January 2022, covering the period of 8 January 2021 – 7 January 2022; the applicant received a total of 43 retirement points (comprised of = 13 Inactive Duty Training (IDT), 15 Active Duty Training (ADT) and 15 Membership points)
- collectively, the applicant completed 18 years, 9 months, and 6 days (4,765 points) of qualifying service

4. A review of the applicant's Detailed Points History available within the Soldier Management System – Web (SMS-Web) reflects that the applicant has received "1 point" for the following claimed days: 20 March 2021, 23 April 2021, 12 June 2021, 16 July 2021, 23 October 2021, and 18 November 2021.

5. The applicant provides the following a:

a. TPU Personnel Actions Checklist dated 2 May 2022, reflective of the applicant's submission of her DA Forms 1380 to be processed for "points only."

b. DA Form 1380 dated 3 June 2022, reflective of the applicant's performance of qualifying service (Additional Training Assembly Distance Learning (ATADL) attendance at Battle Assembly (BA)) on the following dates:

- 20 March 2021 (4 hours/1 point) and 21 March 2021 (8 hours/2 points) = 3 points total
- 23 April 2021 (4 hours/1 point), 24 April 2021 (8 hours/2 points) and 25 April 2021 (8 hours/2 points) = 5 points total
- 12 June 2021 (4 hours/1 point) and 13 June 2021 (8 hours/2 points) = 3 points total
- 16 July 2021 (4 hours/1 point) = 1 point total

Column 9c. (Retirement Points) reflects "P1" indicative that performance of duty was for "pay" rather than "points only." This document is endorsed by Sergeant First Class (SFC) B\_, Maintenance Control Sergeant for the applicant's assigned unit.

c. DA Form 1380 dated 3 June 2022, reflective of the applicant's performance of qualifying service (ATADL) attendance at BA on the following dates:

- 17-18 July 2021 (8 hours per day) = 4 points total
- 23 October 2021 (4 hours/1 point) and 24 October 2021 (8 hours/2 points) = 3 points total
- 18 November 2021 (4 hours/1 point) and 19-20 November (8 hours per day/ 4 points) = 5 points total

Column 9c reflects "P1" indicative that performance of duty was for "pay" rather than "points only." This document is endorsed by SFC B\_, Maintenance Control Sergeant for the applicant's assigned unit.

d. DA Form 1380 dated 3 June 2022, reflective of the applicant's performance of qualifying service (ATADL) attendance at BA on 21 November 2021 (8 hours/2 points). Column 9c reflects "P1" indicative that performance of duty was for "pay" rather than "points only." This document is endorsed by SFC B\_, Maintenance Control Sergeant for the applicant's assigned unit.

e. Transaction Log History reflective of the processing of the applicant's performance of qualifying service since 17 October 2020. Upon review, of the submitted DA Forms 1380, the applicant received pay for 4 hours on 23 April 2021, 12 June 2021, and 16 July 2021. All other claimed periods were for "points only."

f. Memorandum – Subject: Delegation of Signature Authority dated 10 January 2022, reflective of the Commander, 787th Combat Sustainment Support Battalion granting signature authority to Ms. C\_ J\_.

5. On 14 December 2023, the U.S. Army Human Resources Command (AHRC), Chief, Personnel Services Division provided an advisory opinion regarding the applicant's request to update of her Retirement Accounting Statement (DA Form 5016) for duty performed March through November 2021. AHRC, Essential Personnel Services Branch, Retirement Points Team reviewed the application. Army Regulation (AR) 140-185, para 3-3, Training and Retirement Point Credits and Unit Level Strength Accounting Records, requires that nonpaid DA Form 1380s be forwarded to AHRC for the award of retirement points no later than the end of each duty month. The DA Forms 1380 are prepared for paid duty and should have been processed at the unit level for pay and retirement points. This office cannot award nonpaid retirement points without direction from the Army Review Boards Agency.

6. On 19 December 2023, the applicant was provided a copy of the advisory opinion and afforded 15 days to provide comments. As of 18 April 2024, the applicant has not responded.

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 requests an update of her Retirement Accounting Statement (DA Form 5016) for duty performed March through November 2021. The governing regulation states that nonpaid DA Form 1380s be forwarded to HRC for the award of retirement points no later than the end of each duty month. The DA Forms 1380 are prepared for paid duty and should have been processed at the unit level for pay and retirement points. Nevertheless, according to the submitted DA Forms 1380, the applicant performed the duties and qualified for retirement points for those duties performed during the contested periods, March through November 2021. It is possible that administrative errors occurred in not timely and properly processing her retirement points. The Board agreed that although the applicant's DA Forms 1380 contain administrative errors and although she failed to submit her points through her unit administrator, as a matter of equity, the applicant should be awarded all requested points (non-paid, for retirement points only) based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

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 retirement points, based on his submitted DA Forms 1380 (for points only), March to November 2022, 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.

REFERENCE:

Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) 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 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.

a. Paragraph 2-2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes UTA, and 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 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1). These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive)).

c. Paragraph 2-4 (Criteria for Awarding Retirement Points) 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
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. Nonpaid 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. Paragraph 3-3b, states 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.

//NOTHING FOLLOWS//