

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 7 June 2024

DOCKET NUMBER: AR20230011684

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect additional non-paid retirement points to his Retirement Years Ending (RYE):

- 9 June 2022 – two non-paid retirement points
- 9 June 2023 – three non-paid retirement points

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 2022
- DA Form 1380 for November 2022

FACTS:

1. The applicant states the 99th Readiness Division advised they only had the authority to update retirement points from November 2022 to present. All other requests must be submitted to the Army Review Boards Agency (ARBA).

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

a. With prior U.S. Army Reserve (USAR) cadet service, on 3 May 2006, Orders Number 123-11-A-1269, issued by Headquarters (HQs), U.S. Army Cadet Command, the applicant was ordered to active duty for a 7-year active duty commitment, effective 21 June 2006.

b. On 10 June 2006, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

c. On 1 July 2017, the applicant was honorably release from active duty and assigned to the USAR Control Group (Individual Ready Reserve). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 11 years and 11 days of active service.

d. On 19 January 2018, Orders Number C-01-800831, issued by the U.S. Army Human Resources Command, the applicant was assigned to a USAR Troop Program Unit, effective 17 January 2018.

e. DA Form 5016 dated 9 July 2023, shows the applicant obtained in RYE:

- 9 June 2022 – 34 Inactive Duty Training (IDT) points, 15 membership points, and 9 Active Duty Training (ADT) points for a total of 58 creditable points for retirement
- 13 November 2022 – zero IDT points, zero membership points, and zero ADT points for a total of zero creditable points for retirement
- 9 June 2023 – 28 IDT points, 9 membership points, and 12 ADT points for a total of 49 creditable points for retirement

The DA Form 5016 also has a gap which has the period of 10 June 2022 through 9 November 2022 missing from the statement. This gap caused the missing points of 11 IDT points, 6 membership points and 5 active duty points.

The applicant's RYE was split due to the transition from the legacy system to Integrated Personnel and Pay System – Army (IPPS-A) for the Human Resources system of records.

The Annual Detail Supplement of the DA Form 5016 shows the applicant obtained:

- 5 retirement points for the period of 14 through 18 August 2022
- 1 retirement point for 7 September 2022
- 2 retirement points for 8 September 2022
- 2 retirement points for 9 September 2022
- 1 retirement point for 28 September 2022
- 2 retirement points for 22 October 2022
- 2 retirement points for 23 October 2022
- 1 non-paid retirement point for 3 November 2022
- 1 non-paid retirement point for 10 November 2022
- 1 non-paid retirement point for 17 November 2022

3. The applicant provides:

a. DA Form 1380 dated 9 July 2023 shows the applicant performed 4-hours of duty each day for 1 non-paid retirement point each day on:

- 3 June 2022 conducting team coordination, mission preparation and team annual training and unit training assembly tracker updates and tracking request of orders

- 9 June 2022 conducting mission preparation and virtual test and advanced electronics support

The DA Form 1380 was digitally signed on 10 July 2023 by Lieutenant Colonel (LTC) J-F-, Cyber and Electromagnetic Activities (CEMA) Team Officer in Charge as the officer who had knowledge of the duties performed.

b. DA Form 1380 dated 3 November 2022 show the applicant performed prepared and conducted Military Science I Lesson Instruction for 4-hours of duty each day for 1 non-paid retirement point each day on:

- 3 November 2022
- 10 November 2022
- 17 November 2022

The DA Form 1380 was digitally signed on 27 December 2022 by LTC J- F-, Cyber and Electromagnetic Activities (CEMA) Team Officer in Charge as the officer who had knowledge of the duties performed.

4. On 14 February 2024, in the processing of this case, HQs, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated full administrative relief should be granted. The applicant should be awarded five retirement points for the performance of duties. A favorable decision by the Army Review Boards Agency (ARBA) would allow the Readiness Divisions to update the applicant's DA Form 5016.

5. On 15 February 2024, the ARBA, Case Management Division, provided the applicant the advisory opinion for review and comment. 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed and concurred with the U.S. Army Reserve Command's advising official and determined the evidence supports the applicant receiving credit for five retirement points for the performance of duties to the retirement years ending 9 June 2022 (two points) and 9 June 2023 (three points).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 5 qualifying membership points for the retirement years ending 9 June 2022 (two points) and 9 June 2023 (three points), 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. 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 RST or, UTA or 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. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (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 (DoDI) 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//