

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 February 2025

DOCKET NUMBER: AR20230011905

APPLICANT REQUESTS: correction of his military personnel record by adding the non-regular retirement points reflected on his six DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), dated 30 March 2022, 25 April 2022, 31 May 2022, 31 August 2022, 30 September 2022, and 30 October 2022 to his DA Form 5016 (Retirement Accounting Statement).

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

- Online DD Form 149 (Application for Correction of Military Record)
- U.S. Army Reserve Legal Command, 13TH Legal Operations Detachment (Expert) (LODE), Human Resources Actions, Email Correspondence to the Applicant, 31 May 2023
- Six DA Forms 1380

FACTS:

1. The applicant states, his DA Form 5016 does not properly credit his time earned for March, April, May, August, September, and October of 2022. Signed DA Forms 1380 were properly submitted but his unit could not process points covering periods prior to 14 November 2022, because of the transition to the new Integrated Personnel and Pay System–Army. His unit noted the only option was to submit a request to the Army Review Boards Agency (ARBA) to be credited for the missing retirement points.

2. The applicant provides three DA Form 1380, which show the following:

a. An email correspondence to the applicant from the 13TH LODE, Human Resources Actions, 31 May 2023, informing the applicant he needed to apply to ARBA to correct his retirement points.

b Six DA Forms 1380, which show Item 9 (The Above Named Soldier Performed Inactive Duty Training (IDT)/Points Only Duties, Training, or Instruction on the Dates and for the Hours Indicated as Authorized By:). As cited by Army Regulation 140-185 (Army Reserve – Training and Retirement Point Credits and Unit Level Strength Accounting Records), Table 2-3 (Award of IDT Retirement Points), Rule Number 15 -

Performs certain legal duties and is an assigned/attached Judge Advocate General officer/legal specialist, then the individual will be awarded points under the 4-hour/8-hour rule, and Rule 20 provides that, when the individual assigned/attached Soldier performs other individual IDT duty in a non-pay training status and is authorized under Army Regulation 140-1 (Army Reserve – Mission, Organization, and Training), then the individual will be awarded points under the 4-hour/8-hour rule." He completed the following:

(1) On 30 March 2022, he was credited with completing 4 hours on 7 March 2022, 15 March 2022, 20 March 2022, and 30 March 2022.

(2) On 25 April 2022, he was credited with completing 4 hours on 3 April 2022, 4 April 2022, 5 April 2022, 6 April 2022, 8 April 2022, and 25 April 2022.

(3) On 31 May 2022, he was credited with completing 4 hours on 14 May 2022, 17 May 2022, 19 May 2022, 21 May 2022, 24 May 2022, 27 May 2022, and 31 May 2022.

(4) On 31 August 2022, he was credited with completing 4 hours on 16 August 2022, 17 August 2022, 29 August 2022, and 30 August 2022.

(5) On 30 September 2022, he was credited with completing 4 hours on 24 September 2022, 29 September 2022, and 30 September 2022.

(6) On 30 October 2022, he was credited with completing 4 hours on 19 October 2022, 27 October 2022, and 30 October 2022.

3. A review of the applicant's service record show:

a. Following prior commissioned service in U.S. Navy, the applicant was appointed as a commissioned officer in the California Army National Guard in the rank/grade of captain /O-3 effective 23 September 2002.

b. The U.S. Army Human Resources Command, memorandum (Notification of Eligibility for Retired Pay for Non-Regular Service (20 Years)), 26 November 2015, notified him that he completed the required qualifying years of service for retired pay upon application at age 60 in accordance with statutory guidance.

5. On 10 October 2024, the U.S. Army Reserve Command (USARC) provided an advisory opinion.

a. After reviewing the applicant's documents, USARC determined the applicant should be awarded 54 points, based on Army Regulation 140-185; USARC granted full administrative relief.

b. On 17 October 2024, the Army Review Boards Agency provided the applicant a copy of the advisory opinion for review and the opportunity to submit a statement or additional evidence on his own behalf; the applicant did not submit a response.

5. The applicant is currently serving in USAR. His DA Form 5016, dated 22 October 2024, shows he completed 29 years of qualifying USAR service for non-regular retirement.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the USARC advisory opinion, the Board concluded there was an error or injustice warranting adding 54 additional retirements points to the applicant's military record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by adding non-regular retirement points reflected on his six provided DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), dated 30 March 2022, 25 April 2022, 31 May 2022, 31 August 2022, 30 September 2022, and 30 October 2022 to his DA Form 5016 (Retirement Accounting Statement); totaling 54 additional retirement points.

//SIGNED//

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 140-185 (Army Reserve – Training and Retirement Point Credits and Unit Level Strength Accounting Records), currently in effect, sets responsibilities and procedures for establishing and maintaining retirement records that prescribe the types of training and activities for which retirement points are authorized.

a. Paragraph 1-6 (Eligibility). Retirement point credit is authorized for members of the Reserve Component in active Service Ready Reserve; Reserve Component members in an active status (i.e., Standby Reserve (Active List)); and Reserve Officer Training Corps (ROTC)/Simultaneous Membership Program (SMP), Delayed Entry Program Soldiers, Ready Reserve Soldiers in an active status and active Standby Reserve Soldiers.

b. Paragraph 1-7 (Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement). 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.

c. Paragraph 2-2 (Criteria for Earning Retirement Points). Retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for

training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary Inactive Duty Training (IDT), annual training (AT), IDT, membership points, and for other activities specified in this regulation.

d. Table 2–3 provides criteria for award of retirement points for IDT performed in accordance with Department of Defense Instruction (DODI) 1215.07 (Service Credit for Non-Regular Retirement) and AR 140–1 (Army Reserve – Mission, Organization, and Training) (unless another reference is cited).

(1) Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. A maximum of two retirement points may be credited for attendance at unit BA or IDT in any 1 calendar day.

(2) Inactive duty service types include:

- The 4-hour rule – Soldiers earn one point for each scheduled 4-hour period of IDT at BA, RST, Equivalent Training (ET), or Additional Training Assemblies (ATA)
- 4/8-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; maximum of two points in 1 calendar day

3. Army Regulation 140-1 (Army Reserve – Mission, Organization, and Training), currently in effect, identifies in paragraph 3-4 the types of IDT assemblies for which pay or retirement point credit, or both, are authorized.

//NOTHING FOLLOWS//