

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230011957

APPLICANT REQUESTS: correction of his records to show retirement points for duty performed from October 2019 through September 2022, which is not reflected on his current retirement points statement.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he performed duty from October 2019 through September 2022, which is not reflected on his current retirement points statement.
3. The applicant provides DA Forms 1380, which show he performed duty on:
 - 27 October 2019, 4 hours, 1 retirement point
 - 21 August 2020, 4 hours, 1 retirement point
 - 27 August 2020, 8 hours, 2 retirement points
 - 13 October 2020, 8 hours, 2 retirement points
 - 8 March 2021 through 11 March 2020, 8 hours per day (8 total retirement points)
 - 12 March 2021, 4 hours, 1 retirement point
 - 16 July 2021, 8 hours, 2 retirement points
 - 26 July 2021, 8 hours, 2 retirement points
 - 23 August 2021, 8 hours, 2 retirement points
 - 4 November 2021 through 7 November 2021, 8 hours per day (8 total retirement points)
 - 8 November 2021 through 10 November 2021, 4 hours per day (3 total retirement points)

- 28 January 2022 through 2 February 2022, 8 hours per day (8 total retirement points)
- 10 March 2022, 8 hours, 2 retirement points
- 28 June 2022, 8 hours, 2 retirement points
- 29 July 2022, 8 hours, 2 retirement points
- 28 September 2022, 8 hours, 2 retirement points

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

a. DA Form 71 (Oath of Office - Military Personnel), dated 16 November 2016 shows the applicant took the oath of office as a Reserve commissioned officer.

b. DA Form 5016 (Chronological Statement of Retirement Points), dated 16 May 2024 shows:

- 22 May 2019 through 21 May 2020, received 18 inactive duty points and 15 membership points
- 22 May 2020 through 21 May 2021, received 6 inactive duty points and 15 membership points
- 22 May 2021 through 22 May 2022, received 15 membership points

5. On 20 December 2023, the Chief, Soldier Programs Branch, U.S. Army Reserve Command (USARC), provided an advisory opinion, which states USARC reviewed the applicant's documents and determined he should be awarded 33 points based off Army Regulation (AR) 149-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The DA Forms 1380 are filled out correctly and the DA Form 5016 should be updated to reflect these missing points. In regards to the remaining DA Form 1380s with a "P" code, these should be processed for pay. If they were paid, then the applicant needs to provide the Leave and Earnings Statement showing they were paid, and points were not awarded. Partial administrative relief granted.

6. On 22 December 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. 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 partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board reviewed and agreed with the USARC advisory official's determination that the applicant should be awarded 33 points based off Army Regulation (AR) 149-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records).

The DA Forms 1380 (for points only) are filled out correctly and the DA Form 5016 should be updated to reflect these missing points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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:

- Showing the applicant timely submitted the referenced DA Forms 1380 (for points only) through and/or to the appropriate office for processing
- Showing the appropriate office timely received and processed his submitted DA Forms 1380 (for points only), provided all other criteria is met

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

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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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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.

//NOTHING FOLLOWS//