

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 7 June 2024

DOCKET NUMBER: AR20230011989

APPLICANT REQUESTS: retirement point credit for 8, 9, and 10 July 2022.

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 Training)

FACTS:

1. The applicant states his previous unit did not submit his DA Form 1380 for points only, and the result was the loss of a creditable year for non-regular retirement; the action was not completed in time due to his transfer from a Troop Program Unit (TPU) to The Standby Reserve Active List, then back to a TPU.

a. The applicant notes that his unit was unfamiliar with the submission process for points-only DA Forms 1380 in cases where the member was on The Standby Reserve Active List; additionally, the U.S. Army Human Resources Command (HRC) Control Group was unable to offer the unit timely or accurate guidance.

b. In support of his request, the applicant submits a copy of the DA Form 1380.

(1) The form shows that, on 8, 9, and 10 July 2022, the applicant performed duties related to a change of responsibility ceremony.

(2) In item 9 (The Above Named Soldier Performed Points Only Duties, Training, or Instruction on the Dates and for the Hours Indicated as Authorized By): the applicant cites Army Regulation (AR) 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 2 (attends Battle Assembly (BA) Re-Scheduled Training (RST), in a non-pay status; points granted under the 4-hour/8-hour Rule).

c. The applicant's online application also indicates he was providing a copy of email guidance, but that document is not available for review.

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

a. On 15 January 2013, after completing over 3 years of enlisted Regular Army service, the applicant executed his oath of office as a U.S. Army Reserve (USAR) commissioned officer. Effective 18 March 2022, orders reassigned the applicant from a TPU in PA to a TPU in Germany.

b. Effective 13 May 2022, orders released the applicant from his overseas TPU assignment, due to overseas residency/employment, and assigned him to The Standby Reserve (Active Status List). On 30 September 2022, orders reassigned the applicant to a TPU; those orders are not available in the applicant's service record.

c. At some point prior to 4 November 2022, the applicant was assigned to the USAR Control Group (Reinforcement); those orders are unavailable for review. On 4 November 2022, HRC orders released the applicant from the USAR Control Group (Reinforcement) and assigned him to The Standby Reserve (Active List). The applicant continues his service in the USAR.

3. On 1 February 2024, the U.S. Army Reserve Command (USARC) provided an advisory opinion.

a. After reviewing the applicant's document, USARC determined the applicant should be awarded six points, based on AR 140-185. With a favorable adjudication by the Board, USARC's Readiness Division would be able to process the applicant's points request.

b. On 5 February 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; on 20 February 2024, the applicant responded that he had no issues or concerns with the advisory.

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 six retirement points for the performance of duties on 8, 9, and 10 July 2022.

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 full relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant six qualifying points for the performance of duties on 8, 9, and 10 July 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.

REFERENCES:

1. AR 140-185, 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 services 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

2. DODI 1235.09, currently in effect, establishes uniform policies, assigns responsibilities, and prescribes procedures for the peacetime management and preparation for mobilization of the Standby Reserve. It states:

a. The Standby Reserve is a category of the Reserve Component that consists of those individuals who have a temporary disability or hardship, individuals who hold key positions in their civilian jobs, and certain other Service members. While in the Standby Reserve, RC Service members are not required to participate in military training and are subject to involuntary activation pursuant to Sections 12301 and 12306 of Title 10, U.S.C. Service members placed into the Standby Reserve will be actively managed in one of two categories:

- The Active Status List of the Standby Reserve; or
- The Inactive Status List of the Standby Reserve.

b. Service members assigned to the Standby Reserve are liable for active duty pursuant to Sections 12301 (Reserve Components Generally) and 12306 (Standby Reserve) of Title 10 (Armed Forces), United States Code (USC).

c. A member of the Active Status List may perform military duty in accordance with Sections 12301(b) or 12301(d) of Title 10, USC, for the purpose of individual skill training in an active duty training category.

//NOTHING FOLLOWS//