

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 October 2024

DOCKET NUMBER: AR20230012004

APPLICANT REQUESTS: in effect, correction to his Human Resources Command (HRC) retirement order to reflect "Early Age Drop" and backpay of the same.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 20 February 2010
- Notification of Eligibility (NOE) for Retired Pay at Age 60 (Twenty Year Letter), 14 February 2011
- NGB Form 22 (Report of Separation and Record of Service), 12 July 2013
- Army National Guard (ARNG) Current Annual Statement, 4 August 2013
- Application for Retirement Pay, 2 October 2019
- DD Form 108 (Application for Retired Pay Benefits), 9 July 2020

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 his application for "Early Age Drop" (See attached form DD Form 108 and NGB Form 23C) was never processed. He is requesting his application for early age drop to be processed and paid out. According to his retirement package, "Early Age Drop" was supposed to be processed but was missed. This was supposed to be paid out starting 15 July 2020. The DD Form 108 states that retirement pay to begin 15 July 2020.
3. The applicant was born in April of 1961. He enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) on 22 July 1982.

4. He entered a period of active duty training (ADT) on 13 September 1982. He was released from ADT on 3 March 1983. He completed 5 months and 20 days net service this period.
5. He was released from the [REDACTED] ARNG on 21 July 1988 due to expiration of service obligation. He reentered the [REDACTED] ARNG on 13 February 1997.
6. He was ordered to active duty in support of Operation Noble Eagle on 27 January 2003. He was released from active duty on 22 July 2004, due to completion of required active service. He completed 1 year, 5 months, and 26 days.
7. He entered a period of active duty special work (ADSW) on 18 October 2004. He was released from ADSW on 30 September 2005. He completed 11 months and 13 days net service this period.
8. He entered another period of active duty on 1 February 2009, in support of Operation Iraqi Freedom. He served in Iraq from 3 May 2009 until 13 January 2010. He was released from active duty on 20 February 2010.
9. He was issued his Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter) on 14 February 2011.
10. He was transferred to the Retired Reserve on 12 July 2013. His NGB Form 22 shows he completed 16 years and 5 months. He had a total of 22 years and 5 months total service for retired pay.
11. DD Form 108 shows the applicant's date of retired pay to begin as 15 July 2020.
12. Orders C11-090642, issued by U.S. Army Human Resources Command (HRC), Fort Knox, KY on 13 November 2020, shows the applicant was placed on the retired list on 15 April 2021, in the rank of sergeant.
13. During the processing of this case an advisory request was received by the National Guard Bureau on 6 March 2024 recommending approval. It was opined:
 - a. The applicant retired from the [REDACTED] ARNG and was transferred to the Retired Reserve effective 12 July 2013 with 22 years 5 months of creditable service for retired pay. His NGB 23C shows that he earned 3 periods of service toward reduced age retirement, also known as early age drop. This reduced his Retired Pay Eligibility Date from 15 April 2021 to 15 July 2020.
 - b. The Soldier's HRC retirement order C11-090642 authorizing his retired pay under 10 USC, Section 12731 placed him on the retired list effective 15 April 2021. Upon

realizing the error, the Soldier made multiple calls to HRC and Defense Finance Accounting Service to correct his retirement application to show his reduced retirement age eligibility and receive backpay. He submitted his DD 108 and DD Forms 214 to HRC as requested with no action taken, as they were flagged as a duplicate packet.

c. This office recommends approval of the applicant's request to amend his HRC retirement order C11-090642 from placement on the retired list on 15 April 2021 to 15 July 2020 to reflect the 3 periods of service he completed for reduced age retirement. This opinion was coordinated with the Army National Guard Retirement Services Office. The [REDACTED] ARNG did not provide input on this case.

14. On 8 March 2024, the applicant was provided the advisory and afforded the opportunity to respond. He responded on 14 March 2024, stating he reviewed everything, and it looked good.

15. The applicant provided ARNG Current Annual Statement, 4 August 2013, showing he had 22 years and 5 month of creditable service for retired pay. Also Application for Retirement Pay prepared on 2 October 2019, showed he had 3 qualified periods of service reducing his eligibility by 9 months.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board concurred with the conclusion of the advisory official that the applicant should have been placed on the retired list effective 15 July 2020. The Board determined his retirement orders should be amended to reflect the earlier retirement date and he should receive any additional retired pay he is due as a result of the correction.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 amending HRC Orders C11-090642, 13 November 2020, to show he was placed on the retired list effective 15 July 2020. He should be paid any additional retired pay he is due as a result of this correction.

3/29/2025

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. 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 (AR) 600-8-7 (Retirement Service Program) prescribes policies governing military personnel retirement services, the Survivor Benefit Plan, the Career Status Bonus, and the Chief of Staff, Army Retired Soldier Council.
 - a. Paragraph 7-3 (Reduced Age Retirement) RC Soldiers ordinarily become eligible to receive retired pay at age 60. Title 10 USC 12731(f)(2), authorizes earlier retired pay age for some RC Soldiers. The change authorizes a reduction of the retirement age in 90-day increments for each 90 cumulative days that the RC Soldier has of active service, after 28 January 2008, under authority of 10 USC 12301(d), or 10 USC 12302, or 10 USC 12304, and specified service under 32 USC 502(f), in any fiscal year (1 October through 30 September) before 1 October 2014. Ninety day periods may cross over fiscal year boundaries after 1 October 2014. Current law does not allow for an eligibility age reduction below age 50.
 - b. Soldiers eligible for reduced age retirement should submit their applications to HRC 12 months before their expected reduced age retirement date. Soldiers who

qualify for reduced age eligibility should annotate "EARLY AGE DROP" across the top of the DD Form 108 (Application for Retired Pay Benefits).

3. The National Defense Authorization Act for 2008 reduced the retirement age for Reserve Component airmen from 60 to a lesser age, not to be any earlier than age 50. The reduced retired pay age is calculated with qualifying service days on or after 29 January 2008.

//NOTHING FOLLOWS//