

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20230012051

APPLICANT REQUESTS:

- Correction to his retirement points by including his annual training dates for the period 7 June 2014 through 6 June 2015
- Correction to his dates of service from 7 June 2014 through 6 June 2015 to show it is a qualifying retirement year
- In effect, correction to his annual training for the period 7 June 2013 through 6 June 2014 to show one annual training taken instead of two

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

- DD Form 149 (Application for Correction of Military Record)
- Retirement points details
- DA Form 5016 (Retirement Accounting Statement)

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 most recent DA Form 5016 inaccurately depicts the period of 7 June 2014 through 6 June 2015, as a non-qualifying year. He believes this error is due to annual training for the period 7 June 2013 through 6 June 2014, which had been accounted for twice. He was advised by his unit's human resources office that inactive duty points (IDT) are considered within his retirement year ending date (RYE), while annual training (AT) is credited during the calendar year.
3. The applicant provides:
  - a. A retirement points details documents that shows his attendance of AT for the following periods of service:

- 28 July 2013 through 10 August
- 12 May 2014 through 23 May 2014
- 14 June 2015 through 26 June 2015

b. DA Form 5016 dated 19 July 2023 accounts for of all retirement points he has earned through various types of service to date, including active duty, IDT, AT and other qualifying service, for a total of 18 years. This document also shows in pertinent part:

- 7 June 2013 through 6 June 2014, service in the Individual Mobilization Augmentee (IMA) with 71 creditable points earned. This includes 35 inactive duty points, 26 active-duty points, and 1 qualifying year for retirement
- 7 June 2014 through 6 June 2015, service in IMA with 39 creditable points earned. This includes 24 inactive duty points, 0 active-duty points, and 0 qualifying years for retirement

4. The applicant's service record shows:

- a. He enlisted in the Regular Army on 13 May 1999.
- b. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably released from active duty on 12 May 2001 due to the completion of his required active service. He completed 2 years of active service. His grade at the time of discharge was private first class (PFC)/E-3.
- c. On 13 May 2001 he enlisted into the Army National Guard (ARNG), followed by multiple extensions.
- d. He was ordered to active duty on 15 October 2004 for training and was released on 7 May 2005. He completed 6 months and 23 days of active duty. His grade at the time of discharge was specialist (SPC)/E-4.
- e. NGB Form 22 (Report of Separation and Record of Service) for the period ending 1 November 2012, shows he was honorably discharged from the Virginia ARNG (VAARNG), so he may transfer into the Army Reserves, Individual Ready Reserve (IRR). He completed 11 years, 5months, and 19 days of service.
- f. On 31 March 2013 he reenlisted in the U.S. Army Reserve, followed by an additional reenlistment.
- g. Orders T-04-403479, dated 2 April 2014 show he was ordered to annual training (AT) with a report date of 12 May 2014, for a period of 12 days. Allowable time for travel was also authorized.

h. Orders T-04-502417, dated 2 April 2015 show he was ordered to AT with a report date of 15 June 2015, for a period of 12 days. Allowable time for travel was also authorized.

i. DA Form 5016 dated 6 July 2024 accounts for of all retirement points he has earned through various types of service to date, including active duty, inactive duty for training (IDT), AT and other qualifying service, for a total of 18 years. This document also shows in pertinent part:

- 7 June 2013 through 6 June 2014, service in the IMA with 71 creditable points earned. This includes 35 inactive duty points, 26 active-duty points, and 1 qualifying year for retirement
- 7 June 2014 through 6 June 2015, service in IMA with 39 creditable points earned. This includes 24 inactive duty points, 0 active-duty points, and 0 qualifying years for retirement

5. On 4 November 2024, the U. S. Army Human Resources Command (AHRC), provided an advisory opinion, which states their office cannot allocate retirement points from one anniversary year to another to award a qualifying year for retirement. Furthermore, their office cannot adjust the retirement points without direction from the Army Board for Correction Military Records.

6. On 5 November 2024, the applicant was provided with a copy of the advisory opinion for review and/or comment. He did not respond.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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.

a. The applicant initially enlisted in the Regular Army (RA) on 13 May 1999 and was honorably discharged on 12 May 2001 upon reaching their Expiration Term of Service (ETS), subsequently transferring to the Army National Guard (ARNG). On 31 March 2013, the applicant reenlisted in the U.S. Army Reserve (USAR) and continued their service.

b. The applicant performed Annual Training (AT) for 12 days on 2 April 2014, with an authorized report date of 12 May 2014, including travel time. Similarly, the applicant completed Annual Training (AT) for 12 days on 2 April 2015, with an authorized report date of 15 June 2015, including travel time.

c. A Human Resources Command (HRC) Advisory Opinion determined that retirement points cannot be reallocated across service years or adjusted without Board action. Given the applicant's documented service and the administrative constraints preventing proper allocation of retirement points, the Board finds that relief is warranted to ensure the applicant receives appropriate credit for their service.

d. Recommendation: The Board recommends that the applicant's retirement points be adjusted to accurately reflect their Annual Training periods and authorized travel time, ensuring proper credit toward retirement eligibility.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:XX	:XX	:XX	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 awarding the applicant qualifying retirement points on the dates indicated below, provided all other criteria is met:

- Correction to his retirement points by including his annual training dates for the period 7 June 2014 through 6 June 2015
- Correction to his dates of service from 7 June 2014 through 6 June 2015 to show it is a qualifying retirement year
- Correction to his annual training for the period 7 June 2013 through 6 June 2014 to show one annual training taken instead of two

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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, United States Code (USC) (Armed Forces), 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 Army Board for Correction of Military Records (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 15-185 (ABCMR), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records), 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. 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. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting.
  - b. Paragraph 2-2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT.
  - c. Paragraph 2-4 (Criteria for Awarding Retirement Points) 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
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

//NOTHING FOLLOWS//