

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20230012302

APPLICANT REQUESTS: a correction to her military personnel record by adding the non-regular retirement points reflected on her DA Form 1380 (Record of Individual Performance of Reserve Duty Training), dated 31 May 2021, to her DA Form 5016 (Retirement Accounting Statement).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380

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 her DA Form 5016 does not properly credit her time earned from 4-11 February 2019 and 12-15 February 2019. She previously requested a correction her records for December and January, which was approved but the paperwork was missing for February and were not captured.

3. The applicant provides DA Form 1380, which shows in 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 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." She completed the following:

(1) She was credited with completing 8 hours each day from 4 February through 11 February 2019.

(2) She was also credited with completing 8 hours each day from 12 February through 15 February 2019.

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

a. The applicant enlisted in the U.S. Army Reserve (USAR) on 1 December 2006, and served continuously in the USAR (active and inactive) through multiple reenlistments and extensions.

b. On 21 June 2022 in Docket Number AR20220008333, the ABCMR granted the applicant's request for service credit for the periods of 19 to 26 December 2017, 27 to 30 December 2017, 2 to 9 January 2018, and 10 January 2018.

4. On 29 April 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 24 points, based on Army Regulation 140-185; USARC granted full administrative relief.

b. On 31 July 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 her own behalf; the applicant did not submit a response.

5. The applicant is currently serving in USAR. Her DA Form 5016, dated 24 July 2024, shows she completed 20 years of qualifying USAR service for non-regular retirement.

#### 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 submitted her DA Forms 1380 for the retirement year ending (RYE) 8 April 2019, totaling 24 additional retirement points.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
: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:

- 2 retirement points for duty performed on 4 February 2019
- 2 retirement points for duty performed on 5 February 2019
- 2 retirement points for duty performed on 6 February 2019
- 2 retirement points for duty performed on 7 February 2019
- 2 retirement points for duty performed on 8 February 2019
- 2 retirement points for duty performed on 9 February 2019
- 2 retirement points for duty performed on 10 February 2019
- 2 retirement points for duty performed on 11 February 2019
- 2 retirement points for duty performed on 12 February 2019
- 2 retirement points for duty performed on 13 February 2019
- 2 retirement points for duty performed on 14 February 2019
- 2 retirement points for duty performed on 15 February 2019



X //signed//

CHAIRPERSON

Signed by:

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 (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//