

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013065

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect additional non-paid retirement points in his Retirement Year Ending (RYE): 26 October 2022 – 22 non-paid retirement points.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 (Retirement Accounting Statement)
- Fiscal Year 2022 (FY 22) Transmittal Letter History
- 770th Engineer (EN) Company (CO) Memorandum, Subject: Regular Scheduled Unit Training Assemblies, Scheduled Period 1 October 2021 through 30 September 2022 (Training Year (TY22))
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for 2 through 5 June 2022
- DA Form 1380 for 6 through 7 August 2022
- DA Form 1380 for 8 through 11 September 2022
- DA Form 1380 for 20 September 2022
- 770th EN CO Memorandum, Subject: Signature Authority

FACTS:

1. The applicant states he participated in U.S. Army Reserve (USAR) Battle Assemblies (BA) in a non-pay status to receive retirement points only. This is reflected on his TL history as the non-pay code "N." These codes did not properly update his DA Form 5016 through years 2021-2022 in which his DA Form 5016 reflects only 42 points. He had 22 "N"-Codes that did not update properly for this year. He should have 64 total points towards a "good" retirement year.

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

a. On 27 October 2005, having had prior U.S. Air Force enlisted service, the applicant enlisted in the USAR and served continuously through reenlistments and extensions.

b. The applicant's record shows he served on active duty through multiple named operations.

c. DA Form 5016 dated 22 December 2022 shows for RYE 26 October 2022, the applicant earned 27 Inactive Duty Training (IDT) points, 15 membership points and zero Active Duty Training (ADT) points for a total of 42 creditable points. On the Annual Detail Supplement page of the DA Form 5106 it does not reflect the applicant was awarded retirement points for his requested dates.

3. The applicant provides:

a. FY22 Automated Drill Attendance Reporting System (ADARS) TL history shows entry was made into ADARS to report IDT performance inside immediate access storage (IAS) (current and 11 previous months) was for non-paid retirement points on:

- 2 through 5 June 2022
- 6 through 7 August 2022
- 8 through 11 September 2022
- 20 September 2022

c. 770th EN CO Memorandum, Subject: Regular Scheduled Unit Training Assemblies, Schedule Period 1 October 2021 through 30 September 2022, dated 10 July 2021 shows the unit was scheduled for Multiple Unit Training Assemblies (MUTA) on:

- 2 through 5 June 2022 - MUTA 8
- 6 through 7 August 2022 – MUTA 4
- 8 through 11 September 2022 – MUTA 4

d. DA Form 1380 dated 22 February 2024 shows the applicant performed 8-hours each day for his UTA at Fort Drum, NY, for two non-paid retirement points each day during the period of 2 through 5 June 2022 for a total of 8 non-paid retirement points. D-T- the unit Army Reserve Administrator (ARA) signed the DA Form 1380 on 26 February 2024 as the officer who had knowledge of the duties performed.

e. DA Form 1380 dated 22 February 2024 shows the applicant performed 8-hours each day for his UTA at home station for two non-paid retirement points each day during the period of 6 through 7 August 2022 for a total of 4 non-paid retirement points. D-T- the unit ARA signed the DA Form 1380 on 26 February 2024 as the officer who had knowledge of the duties performed.

f. DA Form 1380 dated 22 February 2024 shows the applicant performed 8-hours each day for his UTA at Fort Drum, NY for two non-paid retirement points each day

during the period of 8 through 11 September 2022 for a total of 8 non-paid retirement points. D-T- the unit ARA signed the DA Form 1380 on 26 February 2024 as the officer who had knowledge of the duties performed.

g. DA Form 1380 dated 22 February 2024 shows the applicant performed 8-hours on 20 September 2022 for two non-paid retirement points assisting the full-time staff with a variety of administrative, maintenance and supply tasks. D- T- the unit ARA signed the DA Form 1380 on 26 February 2024 as the officer who had knowledge of the duties performed.

h. 770th EN CO Memorandum, Subject: Signature Authority, dated 5 November 2022, shows effective 5 November 2022, D-T- had signature authority for the unit commander for the day-to-day operations in his absence, except for documents that required the commander's signature only.

4. On 8 March 2024, in the processing of this case, the Headquarters, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request to receive retirement point credit. The advisory official stated a review of the applicant's documents determined he should be awarded 22 points. The ARA did not process the DA Forms 1380 in a timely manner. A favorable determination from the Army Review Boards Agency (ARBA) would allow the Readiness Divisions to update his retirement points.

5. On 11 March 2024, the ARBA, Case Management Division, provided the applicant the advisory opinion for review and comment. 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 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 finding the applicant's unit did not process the DA Forms 1380 in a timely manner. The Board concluded that relief is warranted in granting an 22 points for Retirement Year Ending 26 October 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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 22 qualifying retirement points for Retirement Year Ending 26 October 2022.

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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. Army Regulation (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent training (ET)), ET is performed in lieu of scheduled training (either RST or, UTA or MUTA). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year.

- ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year
- ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness
- ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT

b. Paragraph 3-14.2 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary

ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other training of individual Soldier in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, or Additional Training Assemblies
- Four/eight-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 for a maximum of two points in 1 calendar day

d. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. 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 Forms 1380 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.

f. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

3. Department of Defense Instruction (DoDI) 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's

participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8-hours.

//NOTHING FOLLOWS//