

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 July 2024

DOCKET NUMBER: AR20230013114

APPLICANT REQUESTS:

1. correction of her record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 22 May 2023, were accepted, and added to her record for the anniversary years of:

- 10 August 2011 to 9 August 2012
- 10 August 2013 to 9 August 2014
- 10 August 2015 to 9 August 2016
- 10 August 2017 to 9 August 2018
- 10 August 2019 to 9 August 2020
- 10 August 2020 to 9 August 2021
- 10 August 2021 to 9 August 2022

2. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, dated 22 May 2023, with supporting documents, for the following days:
  - 22 and 23 October 2011
  - 12 and 13 October 2013
  - 7 and 16 December 2015
  - 13 September 2017
  - 8 and 9 August 2020
  - 10 and 20 August 2020
  - 11, 12 and 13 September 2020
  - 21 and 30 September 2020
  - 21 December 2021
- Email, 29 and 30 March 2021

- Email, 4 July and 12 September 2023
- Senatorial correspondence, 11 June 2024

FACTS:

1. The applicant states:

a. In preparation for her Mandatory Retirement Date (MRD) she reviewed all retirements points and found some points still missing from her records. She has attempted to recover these points during her annual records review at her unit and "Army Medical Department Professional Management Command (AMPC)." She is providing supporting documentation that the work was performed. In some instances, she was paid but no points were awarded.

b. Over the years, she has attempted to keep track of military points. These nine (9) DA Forms 1380 were processed but the points did not generate in the system. She is not sure why. In 2020 COVID hit, and she had a commitment to perform clinical Battle Assemblies (BAs) when the mandatory Virtual BAs came into effect. Her August Retirement Year Ending and Fiscal Year played into the issue also. She is now retiring and needs to get these points resolved.

c. After performing a point review for her MRD the following points are missing from her records. Over the years, she has tried to recoup the points during the annual record reviews and these 9 DA Forms 1380 totaling 29 points have slipped through the cracks. 22 and 23 October 2011 - 4 points; 12 and 13 October 2013 - 2 points; 7 and 16 December 2015- 4 points; 13 September 2017 - 2 points; 8 and 9 August 2020 - 2 points; 10 and 20 August 2020 - 4 points; 11, 12, and 13 September 2020 - 6 points; 21 and 30 September 2020 - 4 points; 21 December 2021 - 1 point.

2. A review of the applicant's official records shows the following:

a. Having prior Cadet service, DA Form 71 (Oath of Office - Military Personnel) shows she was appointed as a Reserve commissioned officer and executed her oath of office on 13 May 1984.

b. After a break in service, DA Form 71 shows she was appointed as a Reserve commissioned officer and executed her oath of office on 10 August 2009.

c. On 12 September 2019, the U.S. Army Human Resources Command (HRC) issued the applicant a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

d. On 15 December 2023, HRC published Orders Number C12-396591, which placed the applicant on the Army of the United States Retired List, effective 25 November 2023.

e. The applicant's record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 22 March 2024, which shows her total career retirement points earned as – 798 Inactive Duty Training (IDT), 70 Extension Course, 428 Membership, 1029 Active Duty Training (ADT), 23 years Qualifying for Retirement, 2310 Points Earned, and 2310 Points Creditable. In relevant part, the form also shows for the completed anniversary years listed below, she earned the following retirement points:

- 10 August 2011 to 9 August 2012 – 32 IDT, 15 Membership, 13 ADT, 1 year Qualifying for Retirement, 60 Points Earned, and 60 Points Creditable
- 10 August 2013 to 9 August 2014 – 28 IDT, 3 Extension Course, 15 Membership, 14 ADT, 1 year Qualifying for Retirement, 60 Points Earned, and 60 Points Creditable
- 10 August 2015 to 9 August 2016 – 28 IDT, 15 Membership, 121 ADT, 1 year Qualifying for Retirement, 164 Points Earned, and 164 Points Creditable
- 10 August 2017 to 9 August 2018 – 40 IDT, 15 Membership, 32 ADT, 1 year Qualifying for Retirement, 87 Points Earned, and 87 Points Creditable
- 10 August 2019 to 9 August 2020 – 60 IDT, 15 Membership, 4 ADT, 1 year Qualifying for Retirement, 79 Points Earned, and 79 Points Creditable
- 10 August 2020 to 9 August 2021 – 36 IDT, 15 Membership, 24 ADT, 1 year Qualifying for Retirement, 75 Points Earned, and 75 Points Creditable
- 10 August 2021 to 9 August 2022 – 43 IDT, 15 Membership, 21 ADT, 1 year Qualifying for Retirement, 79 Points Earned, and 79 Points Creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 10 July 2024, which shows a total of – 766 IDT Points, 70 Extension Course Points, 409 Membership Points, 996 ADT Points, 23 years and 1 day Qualifying for Retirement, and 2226 Points Creditable. The form also shows for the completed anniversary years listed below; she earned the following retirement points:

- 10 August 2011 to 9 August 2012 – 32 IDT, 15 Membership, 13 ADT, 1 year Qualifying for Retirement, and 60 Total Points Creditable
- 10 August 2013 to 9 August 2014 – 28 IDT, 3 Extension Course, 15 Membership, 14 ADT, 1 year Qualifying for Retirement, and 60 Total Points Creditable
- 10 August 2015 to 9 August 2016 – 28 IDT, 15 Membership, 121 ADT, 1 year Qualifying for Retirement, and 164 Total Points Creditable

- 10 August 2017 to 9 August 2018 – 40 IDT, 15 Membership, 32 ADT, 1 year Qualifying for Retirement, and 87 Total Points Creditable
- 10 August 2019 to 9 August 2020 – 60 IDT, 15 Membership, 4 ADT, 1 year Qualifying for Retirement, and 79 Total Points Creditable
- 10 August 2020 to 9 August 2021 – 36 IDT, 15 Membership, 24 ADT, 1 year Qualifying for Retirement, and 75 Total Points Creditable
- 10 August 2021 to 9 August 2022 – 43 IDT, 15 Membership, 21 ADT, 1 year Qualifying for Retirement, and 79 Total Points Creditable

3. In support of her case the applicant provides:

a. DA Forms 1380 dated 22 May 2023, submitted for points only for the completed anniversary years from 10 August 2011 through 9 August 2022. The forms were signed by the Headquarters and Headquarters Company, Human Resources Noncommissioned Officer, and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training, or instruction, as follows:

- 22 and 23 October 2011 – for 8 hours each day, N2 (nonpaid), "345th CSH [Combat Support Hospital] BA", Record Physical Training Test; Totaling: 4 points
- 12 and 13 October 2013 – for 8 hours each day, "N-1" (nonpaid), she attended the "2013 Annual Meeting [REDACTED] of Nurse Anesthetists"; Totaling: 4 points
- 7 and 16 December 2015 – for 8 hours each day, N-2 (nonpaid), she attended clinical BA at [REDACTED] Center, and performed PT assessment, develop anesthetic plan, administer anesthesia for surgical procedure, manage pain control, perform post-operative assessments in Fort [REDACTED] Totaling: 4 points
- 13 September 2017 – for 8 hours, N2 (nonpaid), she attended clinical BA at [REDACTED] Center, and performed PT assessment, develop anesthetic plan, administer anesthesia for surgical procedure, manage pain control, perform post-operative assessments; Totaling: 2 points
- 8 and 9 August 2020 – for 4 hours each day, N-1 (nonpaid), she attended Virtual Battle Assembly; Totaling: 2
- 10 and 20 August 2020 – for 8 hours each day, N-2 (nonpaid), she attended clinical BA [REDACTED] Center, and performed PT assessment, develop anesthetic plan, administer anesthesia for surgical procedure, manage pain control, perform post-operative assessments; Totaling: 4 points
- 11, 12 and 13 September 2020 – for 8 hours each day, N-2 (nonpaid), she attended Virtual Battle Assembly with 7458th Medical Backfill Battalion; Totaling: 6 points

- 21 and 30 September 2020 – for 8 hours each day, N-2 (nonpaid), she attended clinical BA [REDACTED] Center, and performed PT assessment, develop anesthetic plan, administer anesthesia for surgical procedure, manage pain control, perform post-operative assessments; Totaling: 4 points
- 21 December 2021 – for 4 hours, N-1 (nonpaid), she attended her required annual dental exam; Totaling: 1 point

b. Email in March 2021, between the applicant and her S1 office discussing pay discrepancies for August and September virtual BA's, and her being coded present for all days.

c. Email in July and September 2023, between the applicant and Supervisor, Military Personnel and Administrative Specialist, 81st Readiness Division, wherein the applicant states she attached supporting documentation that she has for the missing points. Since her MRD was 30 June, she had gone back and checked her pay/points and found discrepancies. She had tried in the past to get them corrected but with all the training manager changes at APMC and the amount of time HRC says to wait it seems that nothing was corrected. Every point counts as she has been told over the years. It is a frustrating system but here is one last effort. She was on orders for one month at Fort Bragg and spent a weekend with Ms. [REDACTED] putting this all together. She put together the DA Forms 1380 for her which was what 81st Readiness Division received in the first email. She provided additional information related to specific dates and points she should have received.

d. Email dated 12 September 2023, which shows the 81st Readiness Division referred her to the ABCMR for processing of the DA Forms 1380.

e. Multiple supporting documents comprised of past DA Forms 1380, training schedules, conference documents, leave and earnings statements, IDT Attendance Roster(s), TL history, Army Physical Fitness Test scorecard, and dental exam documents, which can be reviewed in their entirety within the supporting documents.

4. On 22 March 2024, the HRC, Chief, Personnel Services Division, provided an advisory opinion for this case and stated:

a. HRC reviewed the application and retirement points history. The applicant submitted nine DA Forms 1380 for consideration. Two DA Forms 1380 were submitted for the same dates in October 2013. Three correspondence course points were previously awarded. Points for attending the annual meeting and correspondence course points cannot be awarded. In accordance with the Leave and Earning Statements provided, five points were awarded for the duty performed in December

2015 and 2020. The applicant's Retirement Accounting Statement now reflects 23 creditable years and 2316 points.

b. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3, requires that nonpaid DA Forms 1380 be forwarded to HRC for the award of retirement points no later than the end of each duty month. The remaining enclosed DA Forms 1380 contained multiple errors and were not submitted in a timely manner.

c. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. This office cannot award retirement points only with direction from the Army Review Boards Agency.

5. On 3 April 2024, the applicant was provided a copy of the HRC advisory opinion for comments and/or rebuttal. She did not respond.

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 found the evidence shows the applicant performed duty for which she did not receive retirement points. While noting the deficiencies identified by the advisory official in this case, the Board determined it would be appropriate to process the DA Forms 1380 the applicant provided in support of her application and update her record with any authorized retirement points not already credited.

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 processing the DA Forms 1380 she provided in support of her application and updating her record with any authorized retirement points not already credited.

1/6/2025

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. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140-185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, 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.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either four (4) hours in length for one (1) retirement point or eight (8) hours in length for two (2) retirement points.

c. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record IDT by —

(1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points). Table 2-3 (Award of inactive duty training retirement points) states under rule 8; when an individual attends authorized conventions, professional conferences, or appropriate trade association meetings in a nonpay status points are awarded under the 8 hour rule.

d. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for



the months report and then place in the appropriate Army records information management system file. Nonpaid 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. DA Form 1380 will be scanned into the Soldiers integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) states, in pertinent part, the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//