

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 July 2024

DOCKET NUMBER: AR20230013120

APPLICANT REQUESTS: in effect, correction of her DA Form 5016 (Retirement Accounting Statement) to reflect additional non-paid retirement points in her Retirement Year Ending (RYE): 20 August 2023 – 16 non-paid retirement points.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states in effect, she submitted her DA Form 1380 in a timely manner for processing through her unit; however, it was returned without action due to an incorrect RYE on the form. When she attempted to make the correction, she thought the incorrect data was the effective date on the personnel action request which she changed and resubmitted for processing. A few months later, she spoke with the unit Army Reserve Administrator (ARA) and found out she misunderstood what needed to be corrected. She then made the appropriate corrections and submitted the form for a third time but was told that the Readiness Divisions only process DA Forms 1380 not more than 60-days from the date of signature and within 1-year of the duty in the Integrated Personnel and Pay System – Army (IPPS-A).

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

- a. On 20 August 2014, the applicant enlisted in the U.S. Army Reserve (USAR).
- b. On 20 August 2020, the applicant reenlisted in the USAR.
- c. The applicant's DA Form 5016 dated 20 September 2023 shows she earned the following in RYE:
 - 13 November 2022 – 8 Inactive Duty Training (IDT) points, 3 membership points and zero active duty points for a total of 11 creditable retirement points

- 20 August 2023 – 36 IDT points, 12 membership points and 23 Active Duty Training (ADT) points for a total of 71 creditable retirement points

The applicant's RYE was split due to the transition from the legacy system to IPPS-A for the Human Resources system of records.

The DA Form 5016 Annual Detail Supplement shows the applicant was awarded non-paid retirement point for duty performed on:

- 17 July 2023 - awarded two non-paid retirement points
- 18 July 2023 – awarded two non-paid retirement points
- 22 July 2023 - awarded two non-paid retirement points
- 23 July 2023 - awarded one non-paid retirement point

3. The applicant provides a DA Form 1380 dated 30 December 2022 which shows the applicant performed 8-hours of duty each day to be awarded two non-paid retirement points for a total of 16 non-paid retirement points on:

- 8 December 2022 – performed Physical Readiness Training (PRT) and Army Combat Fitness Training (ACFT) and researched topics for Civil Affairs (CA) video project
- 9 December 2022 - performed PRT and ACFT and researched information on Officer Candidate School (OCS) physical training events
- 15 December 2022 – performed PRT and ACFT and researched information on OCS academic/writing assignments and packing list
- 16 December 2022 – performed PRT and ACFT and posted photographs from the December UTA to social media accounts
- 22 December 2022 – gathered and requested content from the battalion leadership for the New Year's newsletter
- 23 December 2022 – met with officers to gain more knowledge and insight on OCS and Adjutant General Basic Officer Leader Course
- 29 December 2022 – met with the US Army Civil Affairs and Psychological Operations Command Public Affairs Officer to discuss CA video project ideas and receive feedback
- 30 December 2022 – edited content for unit newsletter and sent out final version through email unit distribution list

The DA Form 1380 was digitally signed on 28 August 2023 by First Lieutenant (1LT) A-P, S1 Officer in Charge as the officer who had knowledge of duties performed.

4. On 15 February 2024, in the processing of this case, Headquarters (HQs), U.S. Army Reserve Command (USARC), provided an advisory opinion regarding the applicant's request for the correction of her DA Form 5016 to be awarded additional

non-paid retirement points. The advisory official stated a review of the applicant's document determined she should not be awarded retirement points though she completed the duty. There were processing delays which exceeded the regulatory timeframe.

5. On 1 March 2024, the Army Review Boards Agency, Case Management Division, provide the advisory opinion for review and comment.

6. On 15 March 2024, the applicant responded via email where she stated she had made several attempts to submit her DA Form 1380 for processing in a timely manner as well as following up with her section leadership and the unit ARA regarding the status of her personnel action. The applicant provided:

a. E-mail traffic which began on 29 December 2022 where she submitted the DA Form 1380 to 1LT A- P-. 1LT A-P- signed the applicant's DA Form 1380 and returned it to her and Sergeant First Class E- H- and E- G- the same day. On 6 January 2023, the applicant responded to 1LT A-P- stating 1LT A-P-'s signature did not appear on the attachment and she added information to the attachment and requested it be resigned. On 8 January 2023, 1LT A-P- sent a DA Form 1380 for the applicant to E- G- inquiring if it was accurate.

b. DA Form 1380 dated 27 July 2023, which shows the applicant performed 8-hours of duty each day to be awarded two non-paid retirement points for a total of six non-paid retirement points on:

- 17 July 2023 – researched regulations and wrote a paper on the importance of personnel officer
- 18 July 2023 – wrote a paper on the importance of the chain of command, building trust with leadership and junior Soldiers and made a list for non-commissioned officer mentorship topics
- 22 July 2023 – compiled, edited and posted dining out photographs and videos on Microsoft Teams and social media

The DA Form 1380 was digitally signed on 28 August 2023 by 1LT A- P, S1 Officer in Charge as the officer who had knowledge of duties performed.

c. DA Form 1380 dated 27 July 2023, which shows the applicant performed 4-hours of duty each day to be awarded one paid retirement points for a total of two paid retirement points on:

- 23 July 2023 – compiled, edited and posted dining out photographs and videos on Microsoft Teams and social media
- 27 July 2023 – posted battalion change of command photographs

The DA Form 1380 was digitally signed on 28 August 2023 by 1LT A- P, S1 Officer in Charge as the officer who had knowledge of duties performed.

d. DA Form 1380 dated 25 August 2023, which shows the applicant performed duty to be awarded non-paid retirement points for a total of six non-paid retirement points on:

- 21 August 2023 – 8-hours of duty for two non-paid retirement points she edited video for interviews with the unit commander and noncommissioned officer in charge of the S4
- 22 August 2023 – 8-hours of duty for two non-paid retirement points she completed video edits and uploaded to YouTube, Instagram and Facebook
- 23 August 2023 – 4-hours of duty for one non-paid retirement point she edited interview video with battalion commander and uploaded it to YouTube and started newsletter
- 24 August 2023 – 4hours of duty for one non-paid retirement point she completed summer newsletter and submitted to the battalion

The DA Form 1380 was digitally signed on 28 August 2023 by 1LT A- P, S1 Officer in Charge as the officer who had knowledge of duties performed.

7. On 10 July 2024, in the processing of this case, HQs, USARC provided an advisory opinion based on the e-mails and documents the applicant provided in her response to the original advisory. The advisory official stated after review of the additional documents provided by the applicant it was determined she should be awarded 30 retirement points as she submitted the DA Forms 1380 in a timely manner, but the unit failed to process them in the required regulatory timeframe.

8. On 10 July 2024, the applicant was provided with the updated advisory opinion for comment or rebuttal.

9. On 11 July 2024, the applicant responded to the advisory opinion concurring with the recommendation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant provides multiple DA Form 1380, for duties performed in 2023. The Board reviewed and agreed with the USARC advisory official's finding that the applicant should be awarded 30 points based off AR 140-185. The Soldier submitted the DA Form 1380s in a timely manner, but the unit failed to process them in the required time

limit. In view of delays in processing that were not the Soldier's fault, the Board determined relief is warranted.

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 qualifying 30 retirement points, based on submitted DA Forms 1380, (points only), provided all other criteria is met.

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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. a. 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. b. 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. c. 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.

- 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//