

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 July 2024

DOCKET NUMBER: AR20230013124

APPLICANT REQUESTS: correction of her records to show retirement points only for duty performed.

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

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

FACTS:

1. The applicant states she is requesting an update of her retirement points.
2. The applicant provides DA Forms 1380, which show she performed duty on:
  - 23 March 2023 through 25 March 2023, 4 hours per day, 1 retirement point per day (3 total retirement points)
  - 1 April 2023 through 12 April 2023, 4 hours per day, 1 retirement point per day (12 total retirement points)
  - 13 April 2023 through 14 April 2023, 4 hours per day, 1 retirement point per day (2 total retirement points)
  - 17 April 2023 through 26 April 2023, 4 hours per day, 1 retirement point per day (10 total retirement points)
  - 27 April 2023 through 30 April 2023, 4 hours per day, 1 retirement point per day (4 total retirement points)
  - 1 May 2023 through 8 May 2023, 4 hours per day, 1 retirement point per day (8 total retirement points)
  - 14 May 2023 through 17 May 2023, 4 hours per day, 1 retirement point per day (4 total retirement points)
  - 18 May 2023, 4 hours (1 retirement point)
  - 22 May 2023 through 31 May 2023, 4 hours per day, 1 retirement point per day (10 total retirement points)
  - 1 June 2023 through 5 June 2023, 4 hours per day, 1 retirement point per day (5 total retirement points)

- 16 June 2023 through 18 June 2023, 4 hours per day, 1 retirement point per day (3 total retirement points)
- 25 June 2023, 4 hours (1 retirement point)
- 1 July 2023 through 2 July 2023, 4 hours per day, 1 retirement point per day (2 total retirement points)
- 4 July 2023, 4 hours (1 retirement point)
- 11 July 2023, 4 hours (1 retirement point)
- 19 July 2023 through 26 July 2023, 4 hours, 1 retirement point per day (8 total retirement points)

3. The applicant's service record contains the following documents:

a. DA Form 71 (Oath of Office - Military Personnel) shows she took the oath of office as a Reserve commissioned officer on 4 November 2000.

b. Memorandum Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter), 9 December 2020, informed the applicant she had completed the required years of qualifying Reserve service and was eligible for retired pay, upon application, at age 60.

c. DA Form 5016 (Chronological Statement of Retirement Points), 1 July 2024, does not show her service beyond 3 November 2021. She had 21 years qualifying for retirement.

4. On 15 February 2024, the Chief, Soldier Programs Branch, U.S. Army Reserve Command (USARC) provided an advisory opinion, which states USARC reviewed the applicants documents and determined they should not be awarded points based off Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant appears to have worked for a full month and should have been on Active-Duty Training orders for that period, even if it was for points only. The delays in processing exceeded the timeframe laid out in the regulation. No reason was given for why the DA Forms 1380 were not submitted in a timely manner or why the form was signed five months late. No administrative relief granted.

5. On 1 March 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She 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 and standard review based on law, policy

BOARD VOTE:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

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 to show the applicant was on ADT orders for retirement points only for duty performed.

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REFERENCES:

Army Regulation 140-185 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. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status

b. Paragraph 2–4 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

c. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the

Soldier is entitled to retirement point credit only. 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 Form 1380s 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. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

//NOTHING FOLLOWS//