

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013163

APPLICANT REQUESTS: in effect, correction of her record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 6 August 2023, were accepted, and added to her record for the anniversary years of:

- 21 March 2022 to 13 November 2022
- 14 November 2022 to 20 March 2023
- 21 March 2023 to 20 March 2024

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380, 6 August 2023
- DA Form 1380 preparation and completion instructions
- Email communication, 23-24 August 2023

FACTS:

1. The applicant states:

a. She requests inclusion of DA Forms 1380 unprocessed from October 2022 to May 2023. Per the 81st Readiness Division Retirement Points (Officer Branch), DA Forms 1380 outside the 60-day window will need to be submitted to Army Review Boards Agency (ARBA) for final determination and disposition.

b. Unfortunately, her unit had no Battalion S1 Human Resources personnel in the unit until November 2022. Due to this civilian needing to get access and training her retirement points sat in the queue. Once the Human Resources civilian was in place and paperwork was traveling through their Brigade and higher command, her retirement points were not processed, nor updated.

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

a. Having prior enlisted service in the Army National Guard and 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 2005.

b. Her record contains:

(1) DA Form 5016 (Retirement Accounting Statement) dated 19 April 2024, which shows her total career retirement points earned as – 711 Inactive Duty Training (IDT), 52 Extension Course, 353 Membership, 3821 Active Duty Training (ADT), 19 years, 6 months, 4 days Qualifying for Retirement, 4731 Points Earned, and 4731 Points Creditable. In relevant part, the form also shows for the completed anniversary years listed below, she earned the following retirement points:

- 21 March 2022 to 13 November 2022 – 6 IDT, 10 Membership, 55 ADT, 7 months and 24 days Qualifying for Retirement, 71 Points Earned, and 71 Points Creditable
- 14 November 2022 to 20 March 2023 – 45 IDT, 5 Membership, 14 ADT, 4 months and 7 days Qualifying for Retirement, 64 Points Earned, and 64 Points Creditable
- 21 March 2023 to 20 March 2024 – 96 IDT, 15 Membership, 20 ADT, 1 year Qualifying for Retirement, 131 Points Earned, and 131 Points Creditable

(2) DA Form 5016 (Chronological Statement of Retirement Points) dated 7 July 2024, which shows a total of – 506 IDT Points, 52 Extension Course Points, 300 Membership Points, 3732 ADT Points, 18 years and 3 days Qualifying for Retirement, and 4388 Points Creditable. The form also shows for the anniversary 21 March 2021 to 20 March 2022, she earned:

- 15 Membership Points
- 336 ADT
- 1 year Qualifying for Retirement
- 351 Total Points Creditable

3. In support of her case the applicant provides:

a. DA Forms 1380 dated 6 August 2023, submitted for points only for the completed anniversary years of 21 March 2022 to 13 November 2022, 14 November 2022 to 20 March 2023, and 21 March 2023 to 20 March 2024. The forms were signed by the Headquarters and Headquarters Detachment (HHD) Commander, and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training, or instruction, as follows:

- 1, 7 and 16 October 2022 – for 4 hours each day, N1 (nonpaid), at her Home of Record (HOR)/Lakeland, FL, the applicant performed administration actions, "2 hours per day 1-2 October 2022"; "Requesting points for 4 hours worked"; Totaling: 3 points
- 3 and 10 November 2022 – for 4 hours each day, N1 (nonpaid), at her HOR/Lakeland, FL, the applicant performed administrative actions, 1.5 hour per day 1-3 November 2022; coordinated and completed initial counseling for rated officers; Totaling: 2 points
- 9, 14 and 22 December 2022 – for 4 hours each day, N1 (nonpaid), at her HOR/Lakeland, FL, the applicant performed administrative actions, such as, assist with MTB support of HHD and 195th redo of training schedule, DCO communication, and initial counseling; Totaling: 3 points
- 9 and 14 January 2023 – for 8 hours each day, N2 (nonpaid), at her HOR/Lakeland, FL, the applicant performed administrative actions and conducted initial and negative counseling; "requesting retirement points"; Totaling: 4 points
- 10, 20 and 28 February 2023 – for 4 hours each day, N1 (nonpaid), at her HOR/Lakeland, FL, the applicant performed administrative actions, conducted negative counseling, conference call, JA consultation, prep for IWQ, and sync with ARAs; requesting retirement points; Totaling: 3 points
- 17, 23 and 30 March 2023 – for 8 hours each day, N1 (nonpaid), at her HOR/Lakeland, FL, the applicant performed administrative actions, JA consultation, ARA initial counseling, Brigade consult for AT and slide preparation 27-30 March 2023, requesting retirement points; Totaling: 6 points
- 7, 13, 21 and 27 April 2023 – for 8 hours each day, N2 (nonpaid), at her HOR/Lakeland, FL, the applicant conducted an initial interview with Mrs. K, sync with Ms. B, performed administrative actions, prepared for AT, JA consultation and legal review for action per investigation from 18-21 April 2023, conference call with CH S, merged ideas for team AT; Totaling 8 points
- 15 and 17 May 2023 – for 8 hours each day, N2 (nonpaid), at her HOR/Lakeland, FL, the applicant performed DTS, memorandum review, RFO [request for orders] for June AT [annual training], legal documentation for investigation, emails; Totaling: 4 points
- 18 May 2023 – for 4 hours, N1 (nonpaid), at her HOR/Lakeland, FL, the applicant conducted counseling, emails, deep dive slide review and sync with Battalion S3; Totaling: 1 point
- 19 May 2023 – for 8 hours, N2 (nonpaid), at her HOR/Lakeland, FL, the applicant completed requirements and/or training for the CES Supervisor 101 Course; Totaling: 2 points
- 23 May 2023 – for 8 hours, N2 (nonpaid), at her HOR/Lakeland, FL, the applicant completed DTS for AT, conducted Change of Command inventory,

Brigade presentation - 195th ETOE and HHD MTB, deep dive with 1189th TSB and preparation; Totaling: 2 points

b. The instructions page for preparing and completing the DA Form 1380.

c. Email communication dated 23 and 24 August 2023, between the applicant, Human Resource Specialist, and HHD Commander discussing the submission of the applicant's DA Forms 1380, corrections, denial of retirement points, 60-day window, and submitting a request to ARBA.

4. On 21 February 2024, the Headquarters, U.S. Army Reserve Command (USARC), Chief, Soldier Programs Branch, provided an advisory opinion for this case and recommended granting full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined she should be awarded 38 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant did not process her forms in an acceptable time but did perform the duty. A favorable outcome from ARBA would allow the Readiness Division to process these DA Forms 1380. "Full administrative relief granted."

5. On 23 February 2024, the applicant was provided a copy of the USARC advisory opinion for comments or rebuttal. 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 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 completed the duty despite not processing her forms. The Board concluded the applicant be awarded 38 qualifying retirement points for the retirement years 21 March 2022 to 13 November 2022, 14 November 2022 to 20 March 2023, and for 21 March 2023 to 20 March 2024.

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 retirement points on the dates corresponding with her completed and accepted DA Forms 1380, for the retirement years 21 March 2022 to 13 November 2022, 14 November 2022 to 20 March 2023, and for 21 March 2023 to 20 March 2024, 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. 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 individuals 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 the U.S. Army Human Resources Command 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).

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).

//NOTHING FOLLOWS//