

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013310

APPLICANT REQUESTS: correction of retirement of retirement points to reflect award of 2 additional points for Retirement Year Ending (RYE) 14 November 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Points Correction – List of Exhibits, 6 September 2023
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 5016 (Retirement Accounting Statement)
- Memorandum – Subject: Letter of Lateness, 10 June 2021
- Memorandum – Subject: 981st Medical Detachment (Preventive Medicine), Commanders Certification Memorandum for Inactive Duty Training (IDT) Travel Program, 12 January 2023
- Email communication

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part that she transferred out of the Individual Ready Reserve (IRR) in May 2018. Upon her transfer she noted that she would be unable to obtain the two additional retirement points needed to receive a qualifying year of service through traditional means. Instead, she performed the necessary actions in October 2022 to transfer from one unit to another and to receive computer access. She notes that she could have requested pay for the performance of these actions. However, she simply requested to be awarded points only. She submitted the documentation to her assigned unit, but they were rejected by her gaining unit due to the certifying official not being authorized to sign the document for duty performed in another command. She then resubmitted the documentation through her unit, but the U.S. Army Human Resources Command (AHRC) rejected the documents due to administrative errors. Despite her repeated attempts, the documents were continuously rejected.

3. A review of the applicant's available service records reflects the following:

- a. On 15 November 1999, the applicant enlisted in the U.S. Army Reserve (USAR).
- b. On 14 March 2014, Headquarters, 88th Regional Support Command issued Orders Number 14-073-00023 reassigning the applicant to the USAR (IRR), effective 14 April 2014.
- c. On 11 July 2018, AHRC issued Orders Number C-07-808123 reassigning the applicant from the IRR to the 981st Medical Detachment (Preventive Medicine), effective 12 June 2018.

3. The applicant provides:

- a. DA Form 1380 dated 9 September 2022, reflective of the applicant's completion of out/in processing requirements with the 981st Medical Detachment (Preventive Medicine) on 10 and 27 October 2018 (4 hours per day/2 points total). This document is endorsed by Captain (CPT) D\_ C\_, Commander, 981st Medical Detachment (Preventive Medicine) on 9 September 2022.
- b. DA Form 1380 dated 27 October 2018, reflective of the same information and dates provided in paragraph 3a. above. However, the document is digitally endorsed by Major (MAJ) K\_ M\_, Commander, on 31 January 2019.
- c. DA Form 1380 dated 27 October 2018, reflective of the same information and dates provided in paragraph 3a. above. However, the document is digitally endorsed by Mr. J\_ N\_, 981st Medical Detachment (Preventive Medicine), Army Reserve Administrator (ARA), on 27 October 2018.
- d. DA Form 1380 dated 27 October 2018, reflective of the same information and dates provided in paragraph 3a. above. However, the document is endorsed by MAJ K\_ M\_, Commander, 898th Medical Detachment (Preventive Medicine) on 17 November 2018.
- e. DA Form 5016 reflective of the applicant's creditable qualifying service performed between 15 November 1999 – 18 August 2023. During RYE November 2018, covering the period of 15 November 2017 – 14 November 2018, the applicant was awarded 48 points of which is comprised of 29 Inactive Duty Training (IDT), 15 Membership and 4 Active Duty Training (ADT) points.
- f. Memorandum – Subject: Letter of Lateness dated 10 June 2021, reflective of a chronological account and circumstances surrounding the applicant's repeated attempts to receive service credit for duty performed in the month of October 2018. The applicant

notes that this is her first submission for points only as the reason for the repeated administrative errors. This document is further provided in its entirety for the Board's review within the supporting documents.

g. Memorandum – Subject: 981st Medical Detachment (Preventive Medicine), Commanders Certification Memorandum for IDT Travel Program dated 12 January 2023, reflective of the supporting justification pertaining to the administrative errors and signature discrepancies on the applicant's submitted DA Form 1380s. CPT D\_ C\_ provides that this was in attempt to correct the errors made over time. He further provides that based on the provided documents he is confident that the applicant performed the duties reflected on the DA Form 1380.

h. Email communication reflective of communication concerning the processing of the applicant's submitted DA Form 1380. On or about 13 August 2021, the applicant was advised by AHRC that her submitted DA Form 1380s were returned without action due to their untimely submission (no later than the end of each duty month). The applicant was redirected to this Board to request relief.

4. On 15 February 2024, the Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending that the applicant be awarded the two retirement points requested noting that she has made a good faith effort to correct the forms and submit them in a timely manner.

5. On 20 February 2024, the applicant was provided with a copy of the advisory opinion and afforded 30 days to provide comments. As of 8 July 2024, the applicant has not responded.

#### 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 made a good faith effort to correct the forms and submit them in a timely manner and recommended relief in the form of two points.

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 indicated below, provided all other criteria is met:

- 1 retirement point for the duty performed on 10 October 2018
- 1 retirement point for the duty performed on 27 October 2018

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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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) 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 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.

a. Paragraph 2–2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes UTA, and 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 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1). These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive).

c. Paragraph 2–4 (Criteria for Awarding Retirement Points) 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
- 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
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

e. Paragraph 3-3b, states 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.

//NOTHING FOLLOWS//