

IN THE CASE OF [REDACTED]

BOARD DATE: 17 July 2024

DOCKET NUMBER: AR20230013313

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect additional retirement points in his Retirement Year Ending (RYE) 16 February 2019 for a qualifying year towards retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- Automated Drill Attendance Reporting System (ADARS) Transmittal Letter (TL) History for Fiscal Year 2018 (FY18)
- ADARS TL for FY 19
- Email traffic with the U.S. Army Human Resources Command (HRC) from July 2022
- Email traffic with applicant's unit from August 2022
- Email traffic with HRC from November 2022
- DA Form 5016 (Chronological Statement of Retirement Points)

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 effect, his DA Form 5016 for RYE 16 February 2019 shows that he does not have a qualifying year towards retirement due to his previous unit's failure to submit DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) and process pay codes accordingly in order for Soldiers to receive credit for duty performed.
3. A review of the applicant's service record shows:
 - a. On 10 March 2009, the applicant enlisted in the Regular Army.

b. On 8 January 2015, the applicant enlisted in the U.S. Army Reserve (USAR) where he had continuous service through extensions and reenlistments.

c. On 2 March 2015, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 5-years, 11-months, and 23-days of active service.

d. The applicant's DA Form 5016 dated 28 March 2024 shows for RYE 16 February 2019 he earned 24 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points for a total of 39 creditable points for retirement.

e. The applicant's DD Form 214 shows he was ordered to active duty for training on 14 May 2023 to attend Officer Candidate School. He was honorably released from active duty on 4 August 2023. He completed 2-months and 21-days of net active service.

f. On 5 August 2023, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

g. On 12 October 2023, Orders Number 6268151, issued by the Department of the Army, the applicant was voluntarily discharged from the USAR, effective 4 August 2023.

h. On 13 October 2023, Orders Number 6277986, issued by the Department of the Army, the applicant was assigned to a USAR Troop Program Unit, effective 5 August 2023.

i. The applicant's Soldier Management Services - Web Portal (SMS Web) Retirement Points Detail shows the dates the applicant was awarded retirement points during RYE 16 February 2019. It shows the applicant was awarded 24 IDT points.

j. The applicant remains in the USAR.

4. The applicant provides:

a. ADARS TL History for FY 18 which the applicant had the following dates highlighted:

Event Date	Unit Training Assembly Period Number	Pay/ Non-pay Code
3-Feb-2018	1	N

3-Feb-2018	2	N
4-Feb-2018	1	N
4-Feb-2018	2	N
8-Mar-2018	1	N
8-Mar-2018	2	N
9-Mar-2018	1	P
9-Mar-2018	2	P
10-Mar-2018	1	P
10-Mar-2018	2	P
11-Mar-2018	1	P
11-Mar-2018	2	P
13-Apr-2018	1	P
14-Apr-2018	1	P
14-Apr-2018	1	P
15-Apr-2018	1	P
15-Apr-2018	2	P
18-May-2018	1	N
18-May-2018	2	N
19-May-2018	1	N
19-May-2018	2	N
20-May-2018	1	N
20-May-2018	2	N
11-Aug-2018	1	P
11-Aug-2018	2	P
12-Aug-2018	1	P
12-Aug-2018	2	P
8-Sep-2018	1	N
8-Sep-2018	2	N
9-Sep-2018	1	N
9-Sep-2018	2	N

b. ADARS TL History for FY 19 which the applicant had the following dates highlighted:

Event Date	Unit Training Assembly Period Number	Pay/ Non-pay Code
12-Oct-2018	1	N

12-Oct-2018	2	N
13-Oct-2018	1	N
13-Oct-2018	2	N
14-Oct-2018	1	N
14-Oct-2018	2	N
17-Nov-2018	1	P
17-Nov-2018	2	P
18-Nov-2018	1	P
18-Nov-2018	2	P
1-Dec-2018	1	S
1-Dec-2018	2	S
12-Jan-2019	1	P
12-Jan-2019	2	P
13-Jan-2019	1	P
13-Jan-2019	2	P
9-Feb-2019	1	P
9-Feb-2019	2	N
10-Feb-2019	1	N
10-Feb-2019	2	N

c. Email traffic between the applicant and HRC during the month of July 2022 which shows the applicant received assistance in the correction of his DA Form 5016. He provided the ADARS TL history reports for the duty period of 17 February 2018 through 16 February 2019. He stated he was being coded "N" which he thought was retirement points only and those dates needed to be corrected. The applicant was advised by [REDACTED] Reserve Personnel Actions Branch, HRC, the applicant he was awarded retirement points for the duty which he was paid. She further stated the code "N" was for points only and he needed to submit a DA Forms 1380 to his unit's supporting Readiness Division for the following dates:

- 8 March 2018
- 18 through 20 May 2018
- 8 through 9 September 2018
- 12 through 13 October 2018
- 7 through 10 February 2019

If those DA Form 1380s were not already completed and signed he would have to submit them to the Army Review Boards Agency (ARBA).

d. Email traffic from the applicant's previous unit where he performed the duty in question during the months of July and August 2022 which shows communication between the battalion and company attempting to obtain signatures on DA Forms 1380.

e. Email traffic where the applicant requested HRC to verify information provided to him by his previous unit where it was likely the Readiness Division would return the DA Forms 1380 for correction as the date the form was signed was not within a month of the duty being performed.

f. DA Form 5016 dated 18 September 2023 which shows in RYE 16 February 2019 the applicant earned 24 IDT points, 15 membership points, and zero active-duty points for a total of 39 creditable points for retirement.

5. On 21 February 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated upon review of the applicant's documents it was determined retirement points should not be awarded. He needs to submit DA Forms 1380 for the month in which the duty was performed.

6. On 23 February 2024, the ARBA, Case Management Division, provided the advisory opinion for review and comment. The applicant did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 and regulation. Upon review of the applicant's petition, available military records and Headquarters, United States Army Reserve Command- Soldiers Programs Branch advisory opinion, the Board concurs with the recommending official's determination to deny the request. The applicant has not provided completed and properly signed DA Forms 1380 for the duty dates in question, as required to validate retirement points.

2. The Board determined, during RYE 16 February 2019, the applicant earned only 24 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points—totaling 39 points, which is below the threshold for a qualifying year of service. Email correspondence confirms the applicant was advised to submit DA Forms 1380 for specific dates but has not demonstrated that these forms were completed, signed within the required timeframe, or received by the appropriate Readiness Division. Therefore, absent the necessary documentation to award

retirement points, the Board finds no basis to grant relief and supports the recommendation for denial.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.


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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. 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.

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. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

- 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 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//