

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013314

APPLICANT REQUESTS: correction of retirement points for Retirement Year Ending (RYE) October 2022 covering the period of 12 October 2021 – 11 October 2022 (24 points).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Explanation for Late Submission of DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 12 September 2023
- DA Form 1380, 12 September 2023
- Transmittal Log History, 11 September 2023
- DA Form 5016 (Retirement Accounting Statement), 12 September 2023

FACTS:

1. The applicant states in pertinent part that her submitted DA Form 1380 was not processed because her Human Resources personnel were unfamiliar with the processing timelines associated with "points only" and the implementation of the maternity leave policy.
2. A review of the applicant's available service records reflects the following:
 - a. On 12 October 2017, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years.
 - b. On 3 February 2021, Headquarters, 81st Readiness Division issued Orders Number 21-034-00015 reassigning the applicant to the 321st Regiment, 1st Battalion, Detachment 2, effective 15 February 2021.
 - c. On 11 April 2022, the applicant gave birth to Ms. K_ E_.

d. On 28 June 2022, Headquarters, 81st Readiness Division issued Orders Number 22-179-00054 reassigning the applicant to 2nd Battalion, 311th Regiment, effective 1 August 2022.

3. The applicant provides:

a. Memorandum – Subject: Explanation for Late Submission of DA Form 1380 dated 12 September 2023, reflective of the applicant's battalion commanders support of her submitted request noting that the delay in processing was due to the implementation of Army Directive 2022-06 (Parenthood, Pregnancy and Postpartum) and the assignment of untrained personnel.

b. DA Form 1380 dated 12 September 2023, reflective of the applicant's qualifying service (attendance at Battle Training Assembly (BTA)) performed for points only on 24 October, 7 November, and 11-12 December 2021 (8 hours per day/8 points total). The applicant also performed BTA on 12-13 February 2022 (8 hours per day/4 points total) for points only. In accordance with Army Directive 2022-06, the applicant was deferred from the following BTAs: 14-15 May, 4-5 June, 9 July, and 19 August 2022 (8 hours per day / 12 points total).

c. Transmittal Log History dated 11 September 2023, reflective of the applicant's historical BTA transaction records covering the period of October 2021 – September 2022.

d. DA Form 5016 dated 12 September 2023, reflective of the applicant's creditable service completed from 12 October 2017 – 12 September 2023. For RYE October 2022, the applicant was awarded 35 points (7 Inactive Duty Training (IDT), 13 Active-Duty Training (ADT) and 15 Membership points).

4. On 21 February 2024, the Headquarters, U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending that the applicant be awarded 24 retirement points in accordance with the governing regulation noting that the Army Reserve Administrator failed to submit the documents within the 60-day requirement despite the applicant being authorized the points.

5. On 23 February 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 9 July 2024, the applicant had 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 is authorized the points despite her unit not submitting the documents in the required 60 days. The Board concluded the applicant should be awarded 24 retirement points for the retirement year ending (RYE) October 2022 covering the period of 12 October 2021 – 11 October 2022.

BOARD VOTE:

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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 24 qualifying retirement points on the dates indicated on the submitted DA Forms 1380, provided all other criteria is met.

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 Directive 2022-06 (Parenthood, Pregnancy, and Postpartum) states:

a. Paragraph 2d. (Operational and Training Deferment) provides that Soldiers who physically gave birth are deferred or excused for 365 days after the birth of their child from all continuous duty events that are in excess of 1 normal duty day/shift to include Unit Training Assemblies away from home station. Other than any rescheduled or excused absences due to approved parental leave, this deferment does not exempt Reserve Component (RC) Soldiers from attending UTAs at their normal duty station, medical readiness appointments, or annual training within commuting distance of their home of record.

b. Paragraph 2h. (Conclusion of Pregnancy) provides that Soldiers will be provided with convalescent leave for physical and emotional recovery after a birth event or in cases of miscarriage or stillbirth. USAR Soldiers will be authorized up to six excused and unpaid Unit Training Assembly (UTA) immediately after the conclusion of pregnancy. These UTA absences can be rescheduled as appropriate.

c. Paragraph 2k (Parental Leave in Reserve Components) provides that in an effort to offer comparable parental leave across all components, USAR birthparents will be granted 12 paid UTAs within the 12 months following a birth. In addition to the 12 paid UTAs, birthparents are authorized an additional 4 unpaid UTA absences that can be rescheduled. For each paid UTA of parental leave used, the Soldier will accumulate one retirement point. A maximum of 12 points can be accumulated for the entire paid parental leave period.

2. AR 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//