

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230013598

APPLICANT REQUESTS: correction of his retirement points to reflect inclusion of service for points only performed for the retirement period of April 2014 for the Retirement Year Ending (RYE) 26 February 2015 (4 points).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 22 April 2014
- Email correspondence
- Approval Chain communication excerpt
- U.S. Army Human Resources Command (HRC) data page
- Interactive Personnel Electronic Records Management System (iPERMS) excerpt

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, his DA Form 1380 was submitted for correction in June of 2022. This was accepted by iPERMS but the points were not added on his 2014 retirement year and the effective date is wrong in iPERMS. He sent the correction through his unit prior to the implementation of the Integrated Personnel and Pay System - Army (IPPS-A) and that is when the effective date was added. The points need to be corrected and added to his 2014 retirement year.

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

a. Having prior enlisted service in the Regular Army, DA Form 5016 (Retirement Accounting Statement) shows he became a member of the U.S. Army Reserve (USAR) on 11 August 2006. He had continuous service through reenlistments/extensions.

b. DA Form 5016 dated 27 March 2024 shows for the RYE 26 February 2015, the applicant earned 34 Inactive Duty Training ((IDT) points and 15 membership points, totaling 49 total points creditable.

c. On 21 June 2024, HRC issued a Memorandum for Notification of Eligibility for Retired pay at Non-Regular Retirement (20-Year Letter).

d. He continues service with the USAR.

4. The applicant provides the following:

a. DA Form 1380, dated 22 April 2014, showing the applicant completed training (preparing equipment for Battle Assembly river crossing exercise) on 21 and 22 April 2014, for 8 hours each, totaling 4 retirement points.

b. Email correspondence showing his communication with HRC regarding the processing of his DA Form 1380 for points.

c. Approval Chain communication excerpt showing the approval/disapproval communication regarding the processing of his DA Form 1380.

d. HRC data page showing his record of training.

e. iPERMS excerpt showing the DA Forms 1380 which were added to his military record in 2017, 2018, and 2022.

5. On 5 February 2024, the U.S. Army Reserve Command, Chief, Soldier Programs Branch, provided an advisory opinion recommending approval of the applicant's request stating, in effect, they reviewed the applicant's documents and determined he should be awarded four points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He completed the duty, but the delays in processing exceeded the timeframe laid out in the regulation. A favorable decision by the Army Review Board Agency would allow them to update his points statement.

6. On 20 February 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 30 March 2024, he 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The

applicant contends that he submitted his DA Form 1380 for correction in June of 2022, through his unit, prior to the implementation of the IPPS-A, but it was not processed. The Board reviewed and agreed with the USARC advisory official's determination that the applicant should be awarded four (4) points based off Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He completed the duty, but the delays in processing exceeded the timeframe laid out in the regulation.

BOARD VOTE:

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| █ | █ | █ | 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 four (4) qualifying retirement points, based on submitted DA Form 1380, for points only, for the period 21 and 22 April 2014, 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. 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR Troop Program Units, Army National Guard units, or to another service or component for training.

a. 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.

b. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed. Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

//NOTHING FOLLOWS//