

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230014010

APPLICANT REQUESTS: correction of retirement points for Retirement Year Ending (RYE) 13 June 2016.

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)

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 she previously submitted the provided DA Forms 1380. However, she only received points for one of the periods, despite both documented periods being submitted at the same time and uploaded into the Interactive Personnel Electronic Records Management System.

3. A review of the applicant's service records show:

- a. On 14 June 2002, the applicant enlisted in the U.S. Army Reserve (USAR).
- b. On 27 August 2023, the applicant was issued a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year letter).
- c. On 1 September 2023, an Informal Physical Evaluation Board convened finding the applicant physically unfit for continued military service with a recommendation that she be permanently medically retired with a disability rating of 70 percent.
- d. On 22 September 2023, Headquarters, U.S. Army Physical Disability Agency issued Orders Number D 265-03 releasing the applicant from assignment and duty on 22 October 2023 and placing her on the Retired list, effective 23 October 2023.

4. The applicant provides:

a. DA Form 1380 dated 26 May 2016, reflective of the applicant's performance of qualifying service for points only on 24 and 26 May 2016 (8 hours per day/4 points total). The document is endorsed by sergeant (SGT) T_ S_, Human Resource Noncommissioned Officer in Charge, 4215th U.S. Army Hospital.

b. DA Form 1380 dated 15 August 2022, reflective of the applicant's performance of qualifying service for points only on 24 and 26 May 2016 (8 hours per day/4 points total). This document is digitally endorsed by first lieutenant (1LT) H_ L_, Commander, 396th Medical Company.

5. A review of the applicant's Retirement Accounting Statement for RYE 13 June 2016, covering the period of 14 June 2015 – 13 June 2016, the applicant received 46 retirement points (31 Inactive Duty (IDT) and 15 Membership). A review of the applicant's detailed points history in the Soldier Management System (SMS) is void of evidence of the applicant previously being awarded retirement points during the requested period.

6. On 11 June 2024, the U.S. Army Human Resources Command, Deputy Chief, Army Service Center, provided an advisory opinion noting that the applicant's Retirement Accounting Statement reflects 19 creditable years of service/2565 cumulative retirement points. The provided DA Form 1380 reflects that the time served was completed on 24 and 26 May 2016. However, the document was not signed until 15 August 2022. In absence of a letter of lateness, HRC is unable to make the correction to her DA Form 5016.

7. On 23 July 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 12 August 2024, the applicant has not responded.

BOARD DISCUSSION:

1. 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 the U.S. Army Human Resources Command's advisory opinion recommending disapproval finding the applicant provided a DA Form 1380 for duty performed in 2016; however, it was not signed until 2022 and determined the evidence supports the applicant, in good faith, completed the duty on 24 and 26 May 2016 and those duties were authenticated by an individual having knowledge of the duties

BOARD VOTE:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

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 for the retirement year ending 13 June 2016 on the dates indicated below, provided all other criteria is met:

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- | Age Group | Option A (%) | Option B (%) | Option C (%) | Option D (%) |
|-----------|--------------|--------------|--------------|--------------|
| 18-24 | 100 | 75 | 50 | 25 |
| 25-34 | 85 | 60 | 40 | 15 |
| 35-44 | 70 | 50 | 30 | 10 |
| 45-54 | 60 | 40 | 20 | 10 |
| 55-64 | 50 | 30 | 15 | 5 |
| 65+ | 40 | 20 | 10 | 5 |

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REFERENCE:

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.
- Soldiers are authorized a maximum of 1 medical and 1 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

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//