

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 August 2024

DOCKET NUMBER: AR20230014060

APPLICANT REQUESTS: correction of her retirement points to reflect inclusion of service for points only performed for the retirement period of September 2019 for the Retirement Year Ending (RYE) 8 April 2020.

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), 15 September 2019
- Email correspondence

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 her chronological statement of points needs to be updated. She attended Battle Training Assembly and was only paid for one despite the fact that she attended two all day training sessions on 13, 14, and 15 September 2019. She repeatedly brought this to her unit's attention, but it has not been rectified. She was directed to apply to the ABCMR.

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

a. On 13 June 2011, she was appointed as a Regular Army commissioned officer and executed an oath of office.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 29 August 2014 reflects an honorable release from active duty for completion of required active service and transfer to the USAR Control Group (IRR). She completed 3 years, 2 months, and 17 days of active service.

c. On 30 August 2014, HRC issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army.

d. DA Form 5016 (Retirement Accounting Statement), dated 8 May 2024 shows for the RYE 8 April 2020 the applicant earned the applicant earned 42 inactive duty training points, 15 membership points, and 8 active duty training (ADT) points, totaling 65 total points creditable.

e. She continues service with the USAR.

4. The applicant provides the following:

a. DA Form 1380, dated 15 September 2019, showing the applicant completed training on 13 September 2019, for 4 hours, and on 14 and 15 September 2019, for 8 hours each, totaling 5 retirement points.

b. Email correspondence showing the applicant submitted her packet through her unit, it was returned for the request being past the 60 day requirement, and referral to contact the Army Review Boards Agency for relief.

5. On 24 May 2024, the U.S. Army Reserve Command, STL, Military Services Office provided an advisory opinion recommending approval of the applicant's request stating, in effect, they reviewed the applicant's documents and determined she should be awarded five points based on Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant attended training but was no longer able to be paid due to already completing 48 Unit Training Assemblies. The unit could have processed as non-pay duty but did not at the time. She is requesting points in lieu of pay. A favorable decision by the Army Review Board Agency would allow them to update her points.

6. On 12 June 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 17 July 2024, she 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 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 submitted her DA Form 1380 for retirement period 13, 14, and 15 September 2019 for 20 hours, totaling 5 non-paid retirement points for the the Retirement Year Ending (RYE) 8 April 2020.

BOARD VOTE:

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GRANT FULL RELIEF

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GRANT PARTIAL RELIEF

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GRANT FORMAL HEARING

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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: 20 retirement points for the retirement year ending 8 April 2020.

██████████

[REDACTED]

██████████

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//