

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 July 2024

DOCKET NUMBER: AR20230014236

APPLICANT REQUESTS: correction of his retirement points to reflect inclusion of service for points only performed from February – April 2023 for the Retirement Year Ending (RYE) 6 May 2023.

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), 28 February 2023
- DA Form 1380, 31 March 2023
- DA Form 1380, 28 April 2023
- DA Form 5016 (Retirement Accounting Statement), 12 October 2023

FACTS:

1. The applicant states, in pertinent part, he performed duty for retirement points only during the months of February – April 2023 for a total of 12 retirement points. Although he completed the DA Forms 1380 and submitted them to his unit S-1 office, the forms were not submitted correctly causing them to be rejected. The error is of no fault of his own and he wants his record corrected to reflect the accurate duty dates and points on his DA Form 5016.

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

a. On 5 March 1992, he enlisted in the U.S. Army Reserve (USAR) as a Cadet with Gonzaga University Reserve Officers' Training Corps (ROTC) program.

b. On 7 May 1994:

(1) Headquarters, U.S. Army Fourth Region, U.S. Army ROTC Cadet Command issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army, in the rank/grade of second lieutenant (2LT)/O-1.

(2) He was appointed as a Reserve commissioned officer and executed an oath of office.

c. National Guard Bureau (NGB) Form 337 (Oaths of Office) dated 12 January 1997 shows he was appointed as a commissioned officer with the Washington Army National Guard (WAARNG) and executed an oath of office.

d. On 16 January 1997, the State of Washington, Office of the Adjutant General issued Orders Number 016-10 appointing him in the ARNG in the rank of 2LT with a retroactive effective date of 12 January 1997.

e. On 26 February 1997, the NGB issued Special Orders Number 39 AR extending Federal recognition of his transfer from the U.S. Army Reserve (USAR) to the WAARNG with a retroactive effective date of 12 January 1997.

f. NGB Form 22 (Report of Separation and Record of Service), dated 15 September 2003 reflects an honorable release from the WAARNG and transfer to the USAR Control Group (Reinforcement) with service from 12 January 1997 to 15 September 2003 for a net service this period of 6 years, 8 months, and 4 days.

g. On 16 October 2003, the NGB issued Special Orders Number 262 AR withdrawing the applicant's Federal recognition and transferring him to the USAR with a retroactive effective date of 15 September 2003.

h. On 7 June 2018, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

i. DA Form 5016, dated 6 June 2024 shows for the RYE 6 May 2023, the applicant earned 39 inactive duty training points, 7 membership points, and 36 active duty training points, totaling 82 total points creditable.

j. On 8 July 2024, HRC issued Orders Number C07-496227 which retired him and placed him on the retired list with a retroactive effective date of 2 June 2024.

3. The applicant provides the following:

a. DA Form 1380, dated 28 February 2023, showing the applicant completed training on 1, 6, and 28 February 2023, for 4 points each, totaling 3 retirement points.

b. DA Form 1380, dated 31 March 2023, showing the applicant completed training on 1, 15, 22, and 29 March 2023, for 4 hours each, totaling 4 retirement points.

c. DA Form 1380, dated 28 April 2023, showing the applicant completed training on 19, 25, 26, 27, and 28 April 2023, for 4 hours each, totaling 5 retirement points.

d. The DA Forms 1380 were endorsed by Captain R- V- on 27 April 2023 as the officer having knowledge of the duties performed.

4. On 11 April 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 he should be awarded 12 points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He submitted his DA Forms 1380 on time, but his unit did not process them to the Readiness Division (RD) in a timely manner. A favorable adjudication would allow the RDs to update the record.

5. On 12 April 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 27 April 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 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 U.S. Army Reserve Command, STL, Military Services Office advisory opinion, the Board concurred with the advising official recommendation for approval finding applicant should be awarded 12 points in accordance with AR 140-185. The opine noted, the applicant submitted his DA Form 1380's on time, however his unit did not process them in a timely manner, as required to the Readiness Division. Based on the advising opine, the Board granted relief to award the applicant 12 points.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 to show the applicant is awarded 12 points and he submitted his DA Form 1380's in a timely manner to the Readiness Division.



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.

REFERENCE:

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//