

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20230014358

APPLICANT REQUESTS: correction of his retirement points to reflect inclusion of service for points only performed for the retirement period of June – December 2005 and January – May 2006 for the retirement year ending (RYE) 18 May 2006. A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), dated 17 November 2023 which shows the applicant completed medical training:
  - on 20 June 2005 for eight retirement points
  - on 1 September 2005 for eight retirement points
  - on 1 October 2005 for eight retirement points
  - on 1 January 2006 for eight retirement points
  - on 1 March 2006 for eight retirement points
  - on 1 April 2006 for eight retirement points
  - on 1 May 2006 for eight retirement points
  - on 15 February 2006 for 4 retirement points
  - totaling 68 retirement points
- Dr. T-L- support letter verifying his hours working on the associated research
- Dr. P-P- support letter verifying his hours working on the associated research
- Dr. J-H- support letter verifying his hours working on the associated research
- Medical Articles showing his work completed for the retirement points requested

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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:

- While working at Walter Reed Army Medical Center (WRAMC), he published over seven manuscripts for the military
- He also published eight peer reviewed articles approved by the Walter Reed Institutional Review Board and the Public Affairs Office
- He was more than 200 miles away from his reserve unit with a new baby and job and was asked to work at WRAMC without pay and required hundreds of hours to complete

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

- On 3 June 1986, his letter of Appointment as a Reserve Commissioned Officer of the Army was issued
- On 14 June 1986, he accepted a Reserve commission and executed an oath of office
- Memorandum, Subject: Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter), dated 9 January 2014 was issued
- Orders Number C10-394333, dated 13 October 2023 was issued placing him on the retired list, effective 9 December 2023
- DA Form 5016 (Chronological Statement of Retirement Points), dated 14 April 2025 shows for the RYE 18 May 2006 the applicant earned 10 inactive duty training points and 15 membership points, totaling 25 total retirement points creditable

4. On 8 August 2024, the U.S. Army Human Resources Command (AHRC), Chief, Personnel Services Division provided an advisory opinion for the applicant's request stating, Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3, requires that nonpaid DA Forms 1380 be forwarded to AHRC for award of retirement points no later than the end of each duty month. The DA Form 1380 that was sent into their office, the duty was performed in 2005 and 2006 and signed on 15 November 2023. The DA Form 1380 was not prepared or submitted in accordance with AR 140-185. Therefore, it is the opinion of AHRC, that we cannot award retirement points based on the DA Form 1380, without the direction from the Army Board for Correction of Military Records (ABCMR).

5. On 27 August 2024, the applicant was provided with a copy of the advisory opinion and afforded the opportunity to respond. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 Human Resources Command (AHRC), Chief, Personnel Services Division advisory opinion, the Board concurred with the advising official recommendation for disapproval noting in accordance with regulatory guidance, which requires that nonpaid DA Forms 1380 be forwarded to AHRC for award of retirement points no later than the end of each duty month. The DA Form 1380 that was sent into their office, the duty was performed in 2005 and 2006 and signed on 15 November 2023. The DA Form 1380 was not prepared or submitted in accordance with AR 140-185.

2. The Board determined there is insufficient evidence to support the applicant's contentions for correction of his retirement points to reflect inclusion of service for points only performed for the retirement period of June – December 2005 and January – May 2006 for the retirement year ending (RYE) 18 May 2006. The Board found there was a substantial time gap between when the training was performed, and the DA Form 1380 being signed in 2023 for training in 2005 and 2006. Based on regulatory guidance and the advising opine, the Board denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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, U.S. Code, 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. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event.
  - 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.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//