

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 August 2024

DOCKET NUMBER: AR20230014750

APPLICANT REQUESTS: correction of her retirement points to reflect inclusion of service for points only performed for the retirement periods of November 2015 and January 2016 for the Retirement Year Ending (RYE) 20 October 2016.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 18 October 2022

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, her Unit Administrator was provided with the DA Forms 1380 for fiscal year 2015, but they were never submitted. She took immediate action after finding the error. However, neither the Unit Administrator nor the U.S. Army Human Resources Command (HRC) replied with guidance on how to correct the error until almost one-year later. Because of this error she is forced to serve more time than needed to have her full retirement points.

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

a. On 21 October 2002, she enlisted in the U.S. Army Reserve (USAR) for a period of 8 years and continued service through reenlistments.

b. DA Form 5016 (Retirement Accounting Statement), dated 19 November 2023 reflects for the RYE 20 October 2016 the applicant earned 18 Inactive Duty Training (IDT) points, 15 membership points, and 12 Active Duty Training (ADT) points, totaling 45 points.

c. On 12 February 2024, HRC issued a Memorandum for Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

d. She continues service with the USAR.

4. The applicant provides the DA Forms 1380, dated 18 October 2022 showing the applicant completed training on the following dates:

a. On 10 November 2015, for 8 hours, totaling 2 retirement points.

b. On 7 January 2016, for 8 hours, and on 8 January 2016, for 4 hours, totaling 3 retirement points.

5. On 30 April 2024, the HRC, Chief, Personnel Services Division, provided an advisory opinion recommending disapproval of the applicant's request stating, in effect:

a. The applicant is requesting the accreditation of retirement points for duty performed in November 2015 and January 2016.

b. They reviewed the application. According to Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3, non-paid DA Forms 1380 must be sent to AHRC for retirement point credits by the end of each duty month. The enclosed DA Forms 1380 show that duties were performed in November 2015 and January 2016, but were not signed until 21 October 2022.

c. The DA Forms 1380 was not prepared or submitted in accordance with AR 140-185. This office cannot award retirement points without direction from the Army Review Boards Agency.

6. On 10 May 2024, the applicant was provided with a copy of the advisory opinion to provide a response.

7. On 29 May 2024, she provided a rebuttal to the advisory opinion stating, in effect:

a. She acknowledges that she was denied the request due to the DA Forms 1380 being signed after the allotted time. The reason for the signature date is because she was unaware of the missed points until she reenlisted in 2021 and discovered that retirement year was short five points. Upon realizing the issue, she gathered all documents to show her completion of the trainings attended during that year. However, the Unit Administrator who should have submitted all the DA Forms 1380 (including the one for points only), had moved due to a permanent change of station.

b. The current Unit Administrator at that time asked her to contact HRC directly and email them the documents she had to show that she completed enough training during IDT to be credited for a good year towards her retirement. She acted as instructed, received an email from HRC confirming it was received, and was advised to allow 120 days for processing. After the 120 days she contacted HRC almost every month to check on the status of her request for a whole year but never received an answer. Simultaneously, she reached out to the Unit Administrator but was told there was nothing he could do because HRC needed to receive the documents from her directly.

c. In 2022, she emailed HRC again and copied the Retirement Points section leadership and received a response notifying her that her request was never received and that they would not be able to accept any documents from her as the forms needed to come from the Unit Administrator.

d. In that same time frame, she had transferred to the G3/5/7 DAMO SSF, where the Unit Administrator, Mr. B-, assisted her in signing and submitting all the documents to HRC as requested. At that time, they were informed that it will take approximately 1 year for a review and answer. They waited a year and contacted them only to be told that nothing was received. They further notified her and Mr. B- that if something was submitted it was probably lost during the transition to 365 and they needed to resubmit everything to the Army Review Boards Agency for assistance.

e. Her record shows that she has been a committed and dedicated Soldier throughout her career. It is not fair that she be punished by the mistakes from those who were supposed to take care of Soldiers.

f. In conjunction with her response, she provided the email correspondence and submission packets with HRC and her unit administrators as additional supporting evidence of her efforts to resolve the issue of missing points.

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 the U.S. Army Human Resources Command's advisory finding the applicant's DA Form 1380 was not prepared or submitted in accordance with regulatory guidance; however, the Board determined the applicant completed the duties in good faith and the duties were acknowledged by an officer having knowledge of the duties performed and therefore, the Board determined relief was warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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 qualifying retirement points on the dates indicated below for the retirement year ending 20 October 2016, provided all other criteria is met:

- 2 non-paid retirement points for 10 November 2015, 8 hours
- 2 non-paid retirement points for 7 January 2016, 8 hours
- 2 non-paid retirement points for 8 January 2016, 4 hours

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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. 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.

//NOTHING FOLLOWS//