

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230015221

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect additional non-paid retirement points in his Retirement Year Ending (RYE): 28 August 2023 – 2 non-paid retirement points.

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 states he performed a variety of administrative duties throughout the year outside of his unit training assemblies for which he submitted his DA Form 1380 for the duty. Upon assignment to a new unit, he reviewed his DA Form 5016; he found that he did not have a qualifying year and was not awarded retirement points for all of the duty he performed. His unit informed him because the duty was performed more than 6-months prior he was required to apply to the Army Board for Correction of Military Records.

2. A review of the applicant's service records shows:

a. On 28 August 2003, the applicant enlisted in the U. S. Army Reserve, and he had continuous service through reenlistments. On multiple occasions, the applicant was ordered to active duty in support of multiple named operations.

b. DA Form 5016 dated 27 September 2023 shows for RYE:

- 13 November 2022, the applicant earned 4 Inactive Duty Training (IDT) points, 3 membership points, and zero Active Duty Training (ADT) points for a total of 7 creditable points
- 28 August 2023, the applicant earned 29 IDT points, 12 membership points, and zero ADT points for a total of 41 creditable points

c. On the Annual Detail Supplement page of the DA Form 5016, it does not reflect the applicant was awarded retirement points for his requested date.

d. The applicant's RYE was split due to the transition from the legacy system to the Integrated Personnel Pay System-Army for the Human Resources system of records.

3. The applicant provides a DA Form 1380 dated 4 January 2023 which shows he performed 8-hours of administrative duties on 4 January 2023 to be awarded two non-paid retirement points. The DA Form 1380 was not signed to validate the duty performed: however, in block 10 (Name, Grade and Position of Officer Having Knowledge of Duties Performed) shows Captain P- N-, Company Commander.

4. On 17 July 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official recommended the applicant be granted full administrative relief. A review of his document determined he should be awarded two points as he submitted the DA Form 1380 in a timely manner, but it was not processed by his unit.

5. On 18 July 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He responded via e-mail stating he was satisfied with the advisory opinion and did not have further comment.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he did not receive qualifying service credit for duty performed on 28 August 2023 due to administrative errors. The Board reviewed and agreed with the USARC advisory official's finding that the applicant should be awarded full administrative relief. A review of his documents determined he should be awarded 2 points based on Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) as his unit did not process the DA Form 1380 in a timely manner. The Board determined relief is 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 2 qualifying retirement points, based on submitted DA Form 1380 on 28 August 2023, points only, provided all other criteria is met.

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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. Army Regulation (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent Training (ET)), ET is performed in lieu of scheduled training (either Rescheduled Training (RST) or, Unit Training Assembly (UTA) or Multiple Unit Training Assembly (MUTA)). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is

substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14 (Additional Training Assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other training of individual Soldier in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. Soldiers are authorized a maximum of one medical and one 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.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, or Additional Training Assemblies
- Four/eight-hour rule; Soldiers earn one point for each 4-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-hours for a maximum of two points in 1 calendar day

d. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid 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.

f. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

3. Department of Defense Instruction 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8-hours.

//NOTHING FOLLOWS//