

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 September 2024

DOCKET NUMBER: AR20230015254

APPLICANT REQUESTS: correction of his retirement points to reflect inclusion of service for points only performed for the periods April 1994 - October 1994, and February 1995 for the Retirement Year Ending (RYE) 9 February 1995. He also requests a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 13 March 2023
- DA Form 61 (Application for Appointment), 2 February 1995
- DA Form 3575 (Certificate of Acknowledgement and Understanding of Service Requirements for Individuals Applying for Appointment in the U.S. Army Reserve (USAR) Under the Provisions of Army Regulation (AR) 135-100, or AR 135-101, as Applicable – Individual Without a Statutory Service Obligation), 2 February 1995
- DA Form 4572-R (Statement of Understanding for Appointment as a Commissioned Officer), 2 February 1995
- Orders Number 094-077, 2 October 1994
- DA Form 3645 (Organizational Clothing and Individual Equipment Record)
- Request for Reserve Component Assignment or Attachment, 2 September 1994
- DA Form 2A (Personnel Qualification Record (Enlisted))
- DA Form 5164-R (Hands-On Evaluation), dated July 1994
- Memorandum, Subject: Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter), 10 March 2005
- Orders Number 0006270821.00, 12 October 2023
- DA Form 5016 (Retirement Accounting Statement), 2 April 2023

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 part, upon his retirement he learned some of this retirement points were missing from 1994 and 1995. He had already submitted the supporting packet earlier, but it seems it did not get routed correctly. He is requesting the record to be updated to account for his time signing out of enlisted service and into the Individual Ready Reserve prior to his commissioning on 1 April 1995.

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

a. On 10 February 1983, he enlisted in the USAR for a period of 6 years. He continued his enlisted USAR service through an extension and reenlistment.

b. On 1 April 1995, he was appointed as a Reserve commissioned officer and executed an oath of office.

c. On 10 March 2005, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter).

d. DA Form 5016, dated 2 April 2023 shows for the RYE 9 February 1995, the applicant earned 13 extension course points, 15 membership points, and 12 Active Duty Training (ADT) points, totaling 40 total points creditable.

e. On 12 October 2023, the Department of the Army issued Orders Number 0006270821.00 for voluntary retirement and transfer to the USAR Retired Reserve with a retroactive effective date of 2 April 2023.

4. The applicant provides the following:

a. DA Forms 1380 dated 13 March 2023 showing the applicant completed Rescheduled Training (RST) on the following dates:

(1) On 8 April 1994, for 8 hours, totaling 2 retirement points.

(2) On 11, 12, 13, 14, 15, and 16 July 1994, for 8 hours each, totaling 12 retirement points.

(3) On 5, 6, 12, and 16 September 1994, for 8 hours each, totaling 8 retirement points.

(4) On 2 October 1994, for 8 hours, totaling 2 retirement points.

- (5) On 2 February 1995, for 8 hours, totaling 2 retirement points.
- b. DA Form 61 dated 2 February 1995 showing his request for appointment as an Army Nurse.
  - c. DA Form 3575 submitted as part of his request for commissioning.
  - d. DA Form 4572-R showing he understood as part of his commissioning the requirement for a security clearance.
  - e. Orders Number 094-077 dated 2 October 1994 showing his transfer to the USAR Control Group (Reinforcement).
  - f. DA Form 3645 showing his equipment inventory.
  - g. Request for Reserve Component Assignment or Attachment dated 12 September 1994 showing his request for transfer to the USAR Control Group (Individual Ready Reserve).
  - h. DA Form 2A showing his assignment history and other pertinent personnel data.
  - i. DA Form 5164-R showing he completed common task training.
  - j. A letter from a retired lieutenant colonel who confirms the duty performed as shown on the DA Forms 1380 provided by the applicant.
5. On 11 July 2024, the Chief, Personnel Services Division, HRC, provided an advisory opinion for the applicant's request, stating they reviewed the applicant's DA Forms 1380. 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 HRC for award of retirement points no later than the end of each duty month. The DA Forms 1380 show duty was performed in 1994 thru 1995 and were dated 13 March 2023. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. Therefore, it is the opinion of AHRC that they cannot award retirement points based on these DA Forms 1380 without direction from the Army Review Boards Agency.
6. On 19 July 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 2 August 2024, he did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.
  
2. A majority of the Board found the verification letter provided by the applicant sufficient to confirm the data shown on the DA Forms 1380 he provided. A majority of the Board determined the applicant’s record should be corrected by processing the DA Forms 1380 and updating his retirement points accordingly.
  
3. The member in the minority noted the DA Forms 1380 provided by the applicant were not signed by a certifying official. Because they are not signed, the member in the minority determined the service documented on the forms has not been properly certified and the forms should not be processed.

BOARD VOTE:

<u>Mbr 1</u>	:	<u>Mbr 2</u>	:	<u>Mbr 3</u>	
■	:	■	:		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 processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

3/4/2025

X [REDACTED]

CHAIRPERSON  
[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 Inactive Duty Training (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//