

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 September 2024

DOCKET NUMBER: AR20230015274

APPLICANT REQUESTS: correction of his retirement points and/or time in service, in the U.S. Army Reserve.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders, 26 October 2021, Release from the Individual Ready Reserve
- Orders, 21 June 2021, Transfer to the Individual Ready Reserve
- DD Form 3, Enlistment/Reenlistment Document, 21 April 2006
- Enlisted Record Brief/Officer Record Brief
- NGB Form 22 (Report of Separation and Record of Service) (officer)
- NGB Form 23B, Army National Guard Current Annual Statement

FACTS:

1. The applicant states he joined the Army National Guard in 20060421 and served until going to IRR (Individual Ready Reserve) on 20210523. When assigned to 3rd Battalion, 312th Regiment in the U.S. Army Reserves, the previous service points were dropped off of his record. He wants to provide an accurate account of his retirement points/service; enabling him to get an accurate picture of when and what his retirement would be. He wants the error in retirement points and time in service corrected.

2. The applicant enlisted in the Delaware Army National Guard (DEARNG) on 21 April 2006, this establishing his Anniversary Year as April 2006.

a. He entered active duty for training from 2 May to 9 November 2006 and completed training for award of an enlisted military occupational specialty.

b. He was honorably discharged from his enlisted DEARNG status on 12 October 2012 to accept appointment as a commissioned officer. His enlisted NGB Form 22 shows he completed 6 years, 5 months, and 22 days of ARNG service.

c. His NGB Form 23A, ARNG Current Annual Statement, shows he completed 6 qualifying years of service towards non-regular retirement (a qualifying year must have 50 or more retirement points).

3. On 13 October 2012, the applicant was appointed a Reserve commissioned officer after executing an oath of office in the Delaware Army National Guard (DEARNG)

a. He entered active duty for training from 6 January to 6 May 2013 and completed training for award of an officer specialty.

b. He transferred to the California Army National Guard (CAARNG) on 1 April 2015 and again to the West Virginia Army National Guard (WVARNG) on 26 May 2016.

c. On 28 June 2021, as a result of the applicant's resignation from the ARNG, WVARNG published orders discharging him from the ARNG effective 23 May 2021 and assigned to the U.S. Army Reserve Control Group (Individual Ready Reserve) effective 24 May 2021.

d. He was honorably discharged from the WVARNG on 23 May 2021 and transferred to the U.S. Army Reserve Control Group (Individual Ready Reserve). His commissioned officer NGB Form 22 shows he completed 5 years, 1 month, and 3 days of WVARNG service.

e. The applicant's NGB Form 23A, ARNG Current Annual Statement, currently on file, dated 30 June 2021 shows he completed 15 years, 3 months, and 1 day of qualifying service towards non-regular retirement.

f. On 26 October 2021, the U.S. Army Human Resources Command published orders transferring the applicant from the U.S. Army Reserve Control Group (Individual Ready Reserve) to the 3rd Battalion, 312th Regiment, effective 5 October 2021.

g. The applicant's DA Form 5016 (Retirement Accounting Statement), currently on file, dated 22 June 2024, shows he completed 11 qualifying years of service towards non-regular retirement. This form, however, shows inconsistent beginning and ending dates of each Anniversary Year. This inconsistency reflects improper accounting of the applicant's retirement points.

4. On 17 July 2024, an official at the U.S. Army Reserve Command (USARC) provided an advisory opinion in the processing of this case. The advisory official indicated that USARC reviewed the applicant's documents and determined his points should be updated by the U.S. Army Human Resources Command. The points are missing, but the documents are provided in order to correct this error. Full administrative relief granted.

5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to provide a response. 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served in the ARNG and the USAR, completing several years of qualifying service towards non-regular retirement. His NGB Form 23A reflects completion of 15 years, 3 months, and 1 day of qualifying service towards non-regular retirement whereas his DA Form 5016 reflects completion of 11 qualifying years of service towards non-regular retirement. The Board reviewed and agreed with the USARC advisory officials that the applicant's retirement points should be updated by the U.S. Army Human Resources Command. The points are clearly missing which constitutes an error. The Board determined administrative 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 directing the U.S. Army Human Resources Command to correct the applicant's DA Form 5016 to reflect an accurate Anniversary Year and to credit him with the retirement points shown on his NGB Form 23A.

█

█ █

█
█

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:

Army Regulation 135-180 (Army National Guard and Reserve, Retirement for Regular and Non-Regular Service) prescribes policy and procedures governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard (ARNG), Army National Guard of the United States (ARNGUS), and the U.S. Army Reserve (USAR). The DA Form 5016 (Retirement Accounting Statement) provides members of the Reserve Components a detailed listing of retirement points earned in the previous completed anniversary years and assists units and Soldiers in verifying retirement points earned during the annual review. Appendix B-1 provides a detailed and long

listing of service creditable as qualifying service and Appendix B-2 provides a listing of service not creditable as qualifying service.

//NOTHING FOLLOWS//