

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2024

DOCKET NUMBER: AR20230015315

APPLICANT REQUESTS:

- correction of retirement points
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Letter of Lateness for DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for Points Only Submission, 5 November 2022
- DA Forms 1380
- Screenshot
- DA Form 5016 (Retirement Accounting Statement), 5 November 2023

FACTS:

1. The applicant states in pertinent part that he is entitled to at least 100 additional retirement points. He submitted the proper documentation to his unit administrative staff and was advised that it would take months to process. However, it has been over a year and the points are still not reflected within the system. He was advised to seek relief through this Board.

2. A review of the applicant's available service records reflects the following:

a. After serving as an enlisted Soldier, on 6 March 2008, the applicant was appointed a commission on active duty.

b. On 4 January 2012, the applicant was honorably released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement).

c. On 9 October 2012, the U.S. Army Human Resources Command (AHRC) issued Orders Number C-10-214421 reassigning the applicant to a Troop Program Unit (TPU), effective 2 October 2012.

d. On 15 September 2019, AHRC issued Orders Number C-09-911679 reassigning the applicant to the 450th Civil Affairs Battalion, effective 30 September 2019.

e. On 22 March 2023, AHRC issued Orders Number 3081033 reassigning the applicant to be the commander of Headquarters and Headquarters Company, 450th Civil Affairs Battalion, effective 23 April 2021.

3. The applicant provides the following a:

a. Memorandum – Subject: Letter of Lateness for DA Form 1380 for Points Only Submission dated 5 November 2022, reflective of the justification for the late submission of the provided DA Forms 1380. The applicant's battalion commander notes that the applicant did not properly understand the submission timeframe associated with the DA Form 1380.

b. DA Form 1380 dated 7 September 2021, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 2, 5, 8, 9, 12, 14, 16, 19, 21, 23, 28, and 30 August 2021 (4 hours each day/12 points total).

c. DA Form 1380 dated 2 November 2021, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 3, 5, 6, 9, 11, 13, 14, 19, 20, 22, 27, and 29 October 2021 (4 hours each day/12 points total).

d. DA Form 1380 dated 1 December 2021, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 1, 4, 5, 8, 10, 11, 14, 16, 20, 21, 29, and 30 November 2021 (4 hours each day/12 points total).

e. DA Form 1380 dated 4 January 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 3, 4, 5, 10, 13, 15, 16, 20, 22, 25 and 29 December 2021 (4 hours each day/12 points total).

f. DA Form 1380 dated 2 February 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 2, 3, 5, 6, 10, 11, 14, 16, 19, 22, 23 and 28 January 2022 (4 hours each day/12 points total).

g. DA Form 1380 dated 6 March 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 1, 2, 6, 8, 9, 14, 15, 18, 21, 24, 25, and 29 February 2022 (4 hours each day/12 points total).

h. DA Form 1380 dated 5 May 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 1, 3, 8, 10, 15, 16, 17, 18, 21, 23, 25, and 28 April 2022 (4 hours each day/12 points total).

i. DA Form 1380 dated 2 June 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 2, 3, 5, 9, 12, 13, 16, 18, 22, 23, 25, and 30 May 2022 (4 hours each day/12 points total).

j. DA Form 1380 dated 2 July 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 1, 2, 8, 9, 12, 13, 16, 18, 22, 23, 25, and 30 June 2022 (4 hours each day/12 points total).

k. DA Form 1380 dated 1 August 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 2, 4, 5, 9, 11, and 17 July 2022 (4 hours each day/6 points total).

l. DA Form 1380 dated 2 September 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 3, 7, 8, 11, 13, 20, 21, and 22 August 2022 (4 hours each day/8 points total).

m. DA Form 1380 dated 4 October 2022, reflective of the applicant's performance of qualifying service (Commander Duties) for points only on 2, 4, 7, 12, 13, 17, 19, 20, 23, 24, 25, and 30 September 2022 (4 hours each day/12 points total).

n. Screenshot, reflective of the applicant being advised that his DA Forms 1380 may only be processed if submitted within 60 days of signature. All other requests would need to be directed to this Board for relief.

o. DA Form 5016 dated 5 November 2023, reflective of a record of the applicant's qualifying service completed between 23 March 2007 – 5 November 2023. During Annual Year Ending (AYE):

- 22 March 2022, covering the period 23 March 2021 – 22 March 2022, the applicant was awarded 119 retirement points (15 Membership, 36 Active Duty Training (ADT), 68 Inactive Duty Training (IDT))
- 13 November 2022, covering the period of 23 March 2022 – 13 November 2022, the applicant was awarded 57 retirement points (10 Membership, 14 ADT and 33 IDT)

4. On 4 June 2024, Headquarters, U.S. Army Reserve Command, Chief, Military Services Office, provided an advisory opinion recommending denial of the applicant's request noting that the DA Forms 1380 were not submitted in a timely manner (within 30 days after performance of duties in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records)).

5. On 6 June 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 21 August 2024, the applicant has not responded.

6. A review of the applicant's detailed points history available within the Integrated Web System provides that the applicant was previously awarded retirement points for the following requested dates:

- 6 February 2022
- 10 April 2022

BOARD DISCUSSION:

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 Headquarters, U.S. Army Reserve Command – Military Services Office advisory opinion, the Board concurred with the advising official recommendation for denial finding the applicant should not be awarded points in accordance with regulatory guidance. The Board noted, based on the evidence, the applicant's DA Form 1380 were not submitted within the 30 days upon completion of his duties performed. Based on the advising opine, the Board denied relief.

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 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points.

a. Paragraph 2-2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes UTA, and MUTA
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

b. Paragraph 2-3 (Qualification and Eligibility for Earning Retirement Points) provides that all USAR Soldiers are classified into alphabetic training/pay categories (T/PC) for determination of individual requirements for paid IDT and AT (see AR 140-1).

These categories determine individual status in the RR (Selected Reserve (SELRES), IRR, and the Standby Reserve (active and inactive)).

c. Paragraph 2–4 (Criteria for Awarding Retirement Points) states, 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 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, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

e. Paragraph 3-3b, states a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only.

2. AR 15-185 (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 applicant's 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//