

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 September 2024

DOCKET NUMBER: AR20240000041

APPLICANT REQUESTS: correction of DA Form 5016 (Retirement Accounting Statement) for 2022-2023 to reflect the addition of 48 retirement points.

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

- DD Form 149 (Application for Correction of Military Record)
- VA Form 21-8951-2 (Notice of Waiver of Veterans Affairs (VA) Compensation or Pension to Receive Military Pay and Allowances)
- Memorandum – Subject: Delegation of Signature Authority
- Memorandum – Subject: Fiscal Year 2022 Battle Training Assembly Schedule (Change 2)
- Memorandum – Subject: Fiscal Year 2023 Battle Training Assembly Schedule (Change 2)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant states he has attended Battle Training Assembly (BTA) for points only since 2022. He contests that his retirement points incorrectly reflect 18 years of qualifying service completed rather than 19 or 20 years (as of 14 April 2024). He would like this corrected so that he can receive his 20-year letter in a timely manner.
2. A review of the applicant's available service records reflects the following:
 - a. On 12 April 2004, the applicant enlisted in the U.S. Army Reserve.
 - b. On 18 September 2020, Headquarters, 85th U.S. Army Reserve Support Command issued Orders Number 20-262-00015 reassigning the applicant to the 3rd Battalion, 312th Regiment (Rear Detachment), effective 18 September 2020.
 - c. A review of the applicant's most recent DA Form 5016 (Retirement Accounting Statement) provides that during Retirement Year Ending (RYE) 2022 and 2023 covering the periods of:

- August 2022 – November 2022 the applicant received 26 retirement points (6-Inactive Duty Training (IDT), 3-Membership, and 17-Active-Duty Training (ADT) points).
- November 2022 – August 2023 the applicant received 40 retirement points (14-IDT, 12-Membership, and 14-ADT points).

d. A review of the applicant's detailed points history reflects evidence of points previously awarded for the following requested periods: 5-6 August 2022 (4 points)

3. The applicant provides the following a:

- a. VA Form 21-8951-2 reflective of the applicant's election to waive his military pay and allowances for fiscal year 2023 in order to retain his VA compensation.
- b. Memorandum – Subject: Delegation of Signature Authority dated 11 February 2023 reflective of the commander, 3rd Battalion, 312th Regiment, granting signature authority to Sergeant First Class [REDACTED] to endorse routine administrative correspondence in her absence.
- c. Memorandum – Subject: Fiscal Year 2022 BTA Schedule (Change 2) dated 3 March 2022, reflective of the 3rd Battalion, 312th Regiment BTA schedule for FY22.
- d. Memorandum – Subject: Fiscal Year 2023 BTA Schedule (Change 2) dated 26 January 2023 reflective of the 3rd Battalion, 312th Regiment BTA schedule for FY23.
- e. DA Form 1380 dated 15 August 2022, reflective of the applicant's performance of qualifying service for points only on the following dates: 5-7 August 2022 (8 hours per day/6 points total)
- f. DA Form 1380 dated 17 October 2022, reflective of the applicant's performance of qualifying service for points only on the following dates: 14-16 October 2022 (8 hours per day/6 points total).
- g. DA Form 1380 dated 6 November 2022, reflective of the applicant's performance of qualifying service for points only on the following dates: 5-6 November 2022 (8 hours per day/4 points total).
- h. DA Form 1380 dated 22 January 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 21-22 January 2023 (8 hours per day/4 points total).

- i. DA Form 1380 dated 22 January 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 25-26 February 2023 (8 hours per day/4 points total).
- j. DA Form 1380 dated 12 March 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 11-12 March 2023 (8 hours per day/4 points total).
- k. DA Form 1380 dated 3 April 2023, reflective of the applicant's performance of qualifying service for points only on 1 April 2023 (8 hours/2 points total).
- l. DA Form 1380 dated 8 May 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 5-7 May 2023 (8 hours per day/6 points total).
- m. DA Form 1380 dated 14 June 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 10-11 June 2023 (8 hours per day/4 points total).
- n. DA Form 1380 dated 17 July 2023, reflective of the applicant's performance of qualifying service for points only on the following dates: 14-16 July 2023 (8 hours per day/6 points total).
- o. DA Form 1380, 4 August 2023, reflective of the applicant's performance of qualifying service for points only on 8 August 2023 (8 hours per day/2 points total).

4. On 4 June 2024, the Chief, Military Services Office, Headquarters, U.S. Army Reserve Command, provided an advisory opinion recommending disapproval of the applicant's request noting that he failed to provide justification for why the points were not processed in a timely manner. Also, a copy of the transmittal letter from the unit should be provided showing codes were put into the Regional Level Application System correctly.

5. On 6 June 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. The applicant responded contesting the recommended course of action noting that he was unaware of why the points were not processed. However, he does note the implementation of the Integrated Personnel and Pay System – Army as a possible catalyst. The applicant further argues that the submitted DA Forms 1380 are digitally date/time stamped as evidence of the performance of his duty and should be sufficient to warrant correction of his records.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. Notwithstanding the advisory official's recommendation to disapprove the applicant's request, the Board found the request to have merit, noting it is inequitable for a Reserve Component Soldier to be deprived of retirement points for duty performed based on administrative delays or errors. The Board determined the applicant's record should be corrected by processing the DA Forms 1380 he provided in support of his application and updating his retirement points accordingly.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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

CHAIRPERSON

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) 140-185 (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 (RC) member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting. The AYE is much like a Reserve Soldier's "Anniversary" date and is a primary date captured in the Retirement Points Accounting System (RPAS). The anniversary year periods listed on the DA Form 5016 are calculated from an anniversary date. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per Department of Defense Instruction 1215.07 and changing the anniversary year ending date are as follows:

- a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the service member entered active service or active status in a RC.
- b. Paragraph 2-2, states retirement points may be earned by USAR Soldiers for Active Duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (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.

- c. Paragraph 2-4 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
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- 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.

2. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//