

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20240000125

APPLICANT REQUESTS:

- correction of his retirement points to reflect inclusion of service for points only performed for the retirement period of November 2017 for the Retirement Year Ending (RYE) 7 July 2018
- personal appearance before the Board via telephone or video

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), 3 November 2023
- American Board of Emergency Medicine Certification and Letter of Completion
- Orders Number 18-058-00044, 27 February 2018

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, he is seeking 15 retirement points added to his RYE 7 July 2018 for time spent on continuing medical education hours (60 hours) which were directly related to licensing and credentialing for his military position. Due to several administrative factors, the points were not processed at the time they were completed. His current unit S-1 had retired in the summer of 2017 and he and his family moved to Oregon in September 2017 where he requested and was granted a unit transfer to Vancouver, WA. His new unit experienced issues causing him to go without resolution for his missing retirement points.
3. A review of the applicant's available service record reflects the following:

a. On 8 July 2011, he was appointed as a Reserve Medical Corps commissioned officer and executed an oath of office.

b. On 27 February 2018, Headquarters, 63rd Readiness Division issued Orders Number 18-058-00044 reassigning him to B Company, Headquarters, Vancouver, WA, effective 1 April 2018.

c. DA Form 5016 (Retirement Accounting Statement), dated 6 August 2024, shows for the RYE 7 July 2018 the applicant earned 28 Inactive Duty Training (IDT) points, 15 membership points, and 0 active duty training points, totaling 43 total retirement points creditable.

d. He continues service with the U.S. Army Reserve.

4. The applicant provides the following:

- DA Form 1380, dated 3 November 2023 showing the applicant completed training on 10, 11, 12, 13, 14, 15 and 16 November 2017, for 8 hours each, and 17 November 2017, for 4 hours, totaling 15 retirement points.
- American Board of Emergency Medicine Certification and Letter of Completion, dated 17 November 2017 showing he completed the necessary training for Emergency Medicine certification.

5. On 4 June 2024, the U.S. Army Reserve Command, Chief, Military Services Office provided an advisory opinion recommending approval of the applicant's request stating, in pertinent part, they reviewed the applicant's documents and determined he should be awarded 15 points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He completed a Continuing Education Unit needed to maintain his medical license. Due to moving units, these points were not processed by the unit at the time. A favorable adjudication from the Army Review Boards Agency would allow the Readiness Division to update the Soldiers record.

6. On 6 June 2024, the applicant was provided a copy of the advisory opinion and given an opportunity to respond. On 8 June 2024, he provided a response concurring with the advisory opinion with no additional comments or documents for supporting evidence.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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 is seeking 15 retirement points added to his RYE 7 July 2018 for time spent on continuing medical education hours (60 hours) which were directly related to licensing and credentialing for his military position. 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 15 points in accordance with Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). He completed a Continuing Education Unit needed to maintain his medical license. Due to moving units, these points were not processed by the unit at the time. 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 15 qualifying retirement points, based on submitted DA Form 1380, points only, provided all other criteria is met.

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 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 (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//