

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240000341

APPLICANT REQUESTS: correction of his 2003 retirement points to add more points and make his July 2002 to July 2004 retirement year a qualifying year (50 points) for retirement.

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

- Online DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 he would like a correction to his 2003 retirement points. His points sheet is currently at 40 points for that year, and he knows he completed the minimum for a good year. As he was a senior in high school the year starting July 2002 to July 2004, he attended all battle assemblies he was allowed to participate in as well as pre-basic training events at his home recruiter station leading up to Basic Training report date. He believes the DA Forms 1380 were correctly processed at the time. It has been a long time since the error occurred, but he feels strongly about to years of service he has given and the number of points he has compiled in his career to correct the missing points to bring him up to a good year in 2003. The amount of extra time in the Reserves he is spending now is creating stress in his home life and he feels stuck.
3. The applicant enlisted in the U.S. Army Reserve on 3 July 2003. He served through multiple extensions or reenlistment in a variety of assignments, including active duty mobilization.
4. His most recent DA Form 5016 (Retirement Accounting Statement), dated 2 August 2024 shows he has completed 20 qualifying years of service towards retirement (2,984 retirement points). A breakdown of his July 2003 to July 2004 points is as follows:

BEGIN DATE	END DATE	MIL PER CLASS	SERVICE TYPE	INACTIVE DUTY POINTS	EXT COURSE POINTS	MEMBER -SHIP POINTS	ACTIVE DUTY POINTS	QUALIFYING FOR RETIREMENT			POINTS EARNED	POINTS CREDIT- ABLE	NOT CREDITED REASON(S)
								YRS	MOS	DAYS			
20030703	20040702	E	TPU	13	0	15	12	00	00	00	40	40	
20040703	20050702	E	TPU	0	0	15	365	01	00	00	365	365	
20050703	20060702	E	TPU	53	0	15	31	01	00	00	99	99	
20060703	20070702	E	TPU	53	0	15	27	01	00	00	95	95	
20070703	20080702	E	TPU	0	0	15	366	01	00	00	366	366	
20080703	20090702	E	TPU	13	0	15	202	01	00	00	230	230	

5. He provides a DA Form 1390, dated 20 December 2022, reflective of attendance of pre-basic training at the Recruiting Station, Waterbury, CT, from 12 July to 13 September 2003.

6. On 4 June 2024, the applicant's higher headquarters, U.S. Army Reserve Command (USARC) reviewed his request and provided an advisory opinion in the processing of his case. An advisory official stated USARC reviewed the applicant's documents and determined they should not be awarded any points in accordance with AR 140-185, Training and Retirement Point Credits And Unit Level Strength Accounting Records. The Soldier did not provide a reason for the 20 year delay in having the points processed in 2003. They did not address why they just found out their points were incorrect and the Commander that signed the DA Form 1380 was not in the military in 2003 and would not have knowledge of duties performed. No administrative relief granted.

7. The applicant was provided with a copy of this advisory opinion to give him an opportunity to provide a rebuttal and/or 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he should be awarded additional retirement points for duties completed in 2003. He provides a DA Form 1380 some 20 years later, signed by an official who had no knowledge of the applicant's duties at the time. The Board reviewed and agreed with the USARC G-1 advisory official's determination that the applicant's request should be rejected for many reasons: (1) The applicant did not provide a reason for the 20 year delay in having the points processed in 2003; (2) the applicant did not address why they just found out their points were incorrect and, (3) the commander that signed the DA Form 1380 was not in the military in 2003 and would not have knowledge of duties performed. Therefore, the Board determined relief is not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

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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, U.S. Code, 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. Army Regulation 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 USAR Soldiers.

a. 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 Multiple Unit Training Assemblies (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 2–4 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

c. Paragraph 3-3(b) provides that 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. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Form 1380s 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. The DA Form 1380 will be

scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

3. Army Regulation 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//