

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240000362

APPLICANT REQUESTS: correction of her retirement points and award of retirement point credit for duties performed on 6, 7, and 8 August 2021 for training.

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
- TPU (Troop Program Unit) Personnel Actions Request (PAR) Checklist

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 she needs her retirement points corrected. The Reserve Personnel Actions Center was unable to fix the PAR (Personnel Action Request) and recommended that she submits an application to this Board for point correction.
3. The applicant had prior enlisted service. She was appointed as a Reserve commissioned officer of the Army and executed an oath of office on 11 December 2012.
4. She served in a variety of staff or command assignments, both stateside and overseas, and she was advanced to captain/O-3.
5. On 14 July 2024, she was issued a Notification of Eligibility or Retired Pay at Age 60 (20-Year Letter).
6. On 29 July 2024, she was issued orders transferring her to the Retired Reserve effective 1 January 2025. Her DA Form 5016 (Retirement Accounting Statement) shows she completed 21 qualifying years of service towards non-regular retirement. A breakdown of her retirement 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			
20030327	20040326	E	TPU	25	0	15	173	01	00	00	213	213	
20040327	20050326	E	TPU	33	0	15	86	01	00	00	134	134	
20050327	20060326	E	TPU	0	0	15	365	01	00	00	380	365	X
20060327	20070326	E	TPU	0	93	15	284	01	00	00	392	365	S/X
20070327	20080326	E	TPU	51	0	15	15	01	00	00	81	81	
20080327	20090326	E	TPU	46	0	15	4	01	00	00	65	65	
20090327	20100326	E	TPU	46	0	15	12	01	00	00	73	73	
20100327	20110326	E	TPU	47	0	15	45	01	00	00	107	107	
20110327	20120326	E	TPU	47	0	15	11	01	00	00	73	73	
20120327	20121210	E	TPU	36	0	11	16	00	08	15	63	63	
20121211	20130326	E	TPU	12	0	4	15	00	03	17	31	31	
20130327	20140326	E	TPU	47	0	15	7	01	00	00	69	69	
20140327	20150326	E	TPU	56	0	15	30	01	00	00	101	101	
20150327	20160326	E	TPU	43	0	15	69	01	00	00	127	127	
20160327	20170326	E	TPU	44	0	15	14	01	00	00	73	73	
20170327	20180326	E	TPU	46	0	15	14	01	00	00	75	75	
20180327	20190326	E	TPU	46	0	15	80	01	00	00	141	141	
20190327	20200326	E	TPU	4	0	15	317	01	00	00	336	336	
20200327	20210326	E	TPU	55	0	15	0	01	00	00	70	70	
20210327	20220326	E	TPU	36	0	15	0	01	00	00	51	51	
20220327	20221113	E	TPU	37	0	10	4	00	07	18	51	51	
20221114	20230326	O	TPU	17	0	5	0	00	04	13	22	22	
20230327	20240326	O	TPU	63	0	15	13	01	00	00	91	91	
20240327		O	TPU	14	0	15	0	00	00	00	29	29	
CAREER TOTALS				851	93	330	1574	21	00	00	2848	2806	

7. She provides a DA Form 1380, dated 22 August 2021 but signed by an official some 2 years later on 26 June 2023. She claimed retirement points on 6, 7, and 8 August 2021 for training (Anti-Terrorism, SHARP, Cyber Awareness, and Army Resilience; Leadership Admin duties- Virtual Battle Assembly).

8. On 18 July 2024, the U.S. Army Reserve Command (USARC) reviewed her records and provided an advisory opinion in the processing of her case. A USARC G-1 advisory official stated USARC reviewed the applicant's documents and determined she should be awarded six (6) points in accordance with AR 140-185, Training and Retirement Point Credits And Unit Level Strength Accounting Records. The Soldier attempted to get paid the first time she submitted the DA Form 1380 but had no MUTAs (Multiple Unit Training Assemblies) left. The form was changed to reflect for points only and resubmitted, but it was past the six month period to be accepted. Full administrative relief granted.

8. 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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that she was unable to fix the Personnel Action Request for her retirement points and recommended that she submits an application to this Board for point correction. She provides a DA Form 1380, dated 22 August 2021 but signed by an official some 2 years later on 26 June 2023. She claimed retirement points on 6, 7, and 8 August 2021 for training. The Board reviewed and agreed with the USARC advisory

official's determination that she should be awarded six (6) points in accordance with AR 140-185, Training and Retirement Point Credits And Unit Level Strength Accounting Records. She attempted to get paid the first time she submitted the DA Form 1380 but had no Multiple Unit Training Assemblies left. The form was changed to reflect for points only and resubmitted, but it was past the six month period to be accepted. 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 6 qualifying retirement points, based on submitted DA Form 1380, for 6, 7, and 8 August 2021, for points only, and provided all other criteria is met.

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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//