

IN THE CASE OF [REDACTED]

BOARD DATE: 5 September 2024

DOCKET NUMBER: AR20240000455

APPLICANT REQUESTS: to move three retirement points to her fifth year of service in order to have a good year and qualify for a Veterans Affairs (VA) home loan.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 26 January 2015
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 26 February 2020
- NGB Form 23B (Army National Guard (ARNG) Retirement Points History Statement), 7 May 2020
- Leave and Earnings Statements (LES), December 2016 through February 2020

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:

a. The correction she is seeking is to move a quantity of three career points to her fifth year of service on NGB Form 23B. (Please reference item B in attached documents). She is seeking the three points from the 2017-2018 year or 2019-2020 year to be moved so her fifth year of service can be 50 points and be considered a good year of service.

b. She is requesting the correction to be made due to not being properly notified that she was on the verge of a bad year. During her service period, she always made sure to attend the drills she needed but was not aware that her "year" started and ended

on 27 February of each year. She was incorrectly informed and was told that she could avoid a bad year if she made up the drill dates at a later date. If she would have known the drills needed to be done in a certain time, she would have made arrangements. Please reference page 16 and 46 on the attachment D. As shown, she did perform Active Duty Training (ADT) each of those respective years but they happened to not fall within the time frame needed to count for the fifth year she served. She is asking for 12 hours (3 points) to be moved so she can utilize the VA loan.

3. A review of the applicant's military records show the following:

- a. She enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) on 27 February 2014.
- b. On 26 February 2020, NGB Form 22 shows she was honorably released from the [REDACTED] ARNG and was transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training).
- c. Her record contains an NGB Form 23B prepared on 7 May 2020, which shows her total career retirement points earned as – 237 ADT, 529 Total Career Points, 529 Total Points for Retired Pay, and 5 years Creditable Service for Retired Pay. It also shows for the completed anniversary years listed below she earned the following points:
 - 27 February 2017 to 26 February 2018 – 30 IDT, 15 membership, 30 ADT, 75 Total Career Points, 75 Total Points for Retired Pay, and 1 year Creditable Service for Retired Pay
 - 27 February 2018 to 26 February 2019 – 28 IDT, 15 Membership, 43 Total Career Points, 43 Total Points for Retired Pay
 - 27 February 2019 to 26 February 2020 – 46 IDT, 15 Membership, 15 ADT, 76 Total Career Points, 76 Total Points for Retired Pay, and 1 year Creditable Service for Retired Pay
- d. On 1 March 2022, the U.S. Army Human Resources Command published Orders Number D-03-205253, which honorably discharged the applicant from the USAR, effective 1 March 2022.

4. In support of her request the applicant provides:

- a. DD Form 214 ending on 26 January 2015, which shows she entered active duty on 25 August 2014 and was released from active duty for training on 26 January 2015.
- b. LESs from December 2016 through February 2020, which show her pay, allowances, entitlements, total performance data for each fiscal year, and IDT dates and points.

5. On 31 July 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion for this case and recommended denial. The advisory official stated:

a. The applicant enlisted in the ■■■ ARNG on 27 February 2014 and served her initial contract separating on 26 February 2020. She accumulated five good years and received a year with only 43 retirement points for her fifth year. She is requesting to move retirement points from her fourth or sixth year of service to her fifth year to receive six good years stating she was not told she was going to have a bad year.

b. After review of the applicant's submission her NGB Form 23A points worksheet correctly reflects the number of points she should have received for each year according to her IDT and annual training attendance. She received 43 points for her fifth year of service causing it to be a bad year in accordance with National Guard Regulation (NGR) 680-2 (Automated Retirement Points Accounting Management).

c. It is the recommendation of this office that the applicant's request be denied. The applicant's points worksheet is correct and in accordance with NGR 600-2. The applicant served for five creditable years.

6. On 7 August 2024, the applicant was provided with a copy of the NGB advisory opinion for comments or rebuttal. She did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.

2. A majority of the Board noted the applicant was seven retirement points short of a good year for the retirement year ending 26 February 2019, but had exceeded the 50 point minimum in her other years of service. A majority of the Board determined it would be appropriate to move seven points from the retirement year ending 26 February 2020 to the retirement year ending 26 February 2019.

3. The member in the minority concurred with the conclusion of the advisory official and determined no 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 amending her Army National Guard Retirement Points History Statement by moving seven (7) points from the retirement year ending 26 February 2020 to the retirement year ending 26 February 2019.

2/26/2025

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. 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. NGR 680-2 (Automated Retirement Points Accounting Management) prescribes the Retirement Points Accounting Management (RPAM) application in the Reserve Component Automation System (RCAS) as the system of record for Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS) Soldiers.

a. It prescribes policies and procedures to record retirement point credit for reserve retirement and years of creditable service for retired pay for non-regular service, and all related actions, for ARNG/ARNGUS Soldiers.

b. Paragraph 2-4 (Minimum retirement points required for a year of satisfactory service) states, Soldiers must earn a minimum of 50 retirement points, regardless of source, in each full anniversary year to have that year creditable towards verification of the total years of qualifying service for non-regular retired pay. A partial qualifying year is any period of less than 12 full months, during which the Soldier earns the pro-rated share of 50 points in table D-2 in appendix D for that period. Enter all retirement points earned in the RPAM record, whether the period is creditable or not. When Soldiers accrue the required qualifying years for issuance of a notification of eligibility for retired pay, use all creditable retirement points in the RPAM record whether the year in which the retirement points were earned was creditable or not, subject to the limits in paragraph 2-3 and table 2-1 above, to determine retired pay.

//NOTHING FOLLOWS//