

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2024

DOCKET NUMBER: AR20240000457

APPLICANT REQUESTS: retirement point credit of 26 points for duty completed on 10-11 September 2016 (4 points), 8-9 April 2017 (4 points), 5-7 May 2017 (6 points), 3-4 June 2017 (4 points), 8-9 July 2017 (4 points), 21-22 October 2017 (4 points).

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 15-363-00042, Transfer Orders, 29 December 2015
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Transition Log History
- Email from Financial Administrative Specialist
- DA Form 5016 (Chronological Statement of Retirement Points)
- Memoranda, subject: Explanation for the Late Submission of DA Forms 1380
- Pay Information
- Draft DA Form 5016 (Retirement Accounting Statement)

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 her retirement points for U.S. Army Reserve (USAR) duty were miscalculated resulting in two bad years and adding 2 years to her service requirements. DA Forms 1380 were not submitted for drilling points only due to untrained personnel and the lack of knowledge and/or training of servicemembers.
3. The applicant provides:
 - a. Orders 15-363-00042, published by Headquarters, 81st Regional Support Command, 29 December 2015 show she transferred from a USAR Troop Program Unit (TPU) to another TPU outside of the command effective 12 February 2016.

b. DA Forms 1380 show she performed duty on:

- 10 September 2016 through 11 September 2016, 8 hours per day, 2 retirement points per day (4 total retirement points)
- 8 April 2017 through 9 April 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)
- 5 May 2017 through 7 May 2017, 8 hours per day, 2 retirement points per day (6 total retirement points)
- 3 June 2017 through 4 June 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)
- 8 July 2017 through 9 July 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)
- 21 October 2017 through 22 October 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)

c. Transition Log History, 27 September 2022, shows the duty she performed.

d. Email from a financial administrative specialist, 27 September 2022, states the unit identification code was no longer in the system. It must have been deactivated and the specialist was unable to assist the applicant.

e. Memoranda, 18 June 2023 and 18 August 2023, explain the late submission of her DA Forms 1380 which was due to untrained personnel during the timeframe of fiscal years 2017 and 2018.

4. A review of the applicant's service records show:

a. She served on active duty from 11 January 2007 to 12 June 2013 and was honorably released from the Regular Army to a USAR TPU on 12 June 2013. She remained in the USAR through immediate reenlistments.

b. DA Form 5016, dated 24 July 2024 shows:

- 28 December 2015 through 27 December 2016, she received 32 inactive duty points, 15 membership points, and 47 total points
- 28 December 2016 through 27 December 2017, she received 16 inactive duty points, 15 membership points, and 31 total points

5. On 4 June 2024, the Chief, Military Services Office, U.S. Army Reserve Command (USARC) provided an advisory opinion, which states, USARC reviewed the applicant's documents and determined she should be awarded 22 points. The transition log history shows she did drill. They recommended U.S. Army Human Resources Command update her DA Form 5016. Full administrative relief granted.

6. On 5 June 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the U.S. Army Reserve Command (USARC)- Military Services Office advisory opinion, the Board concurred with the advising official approval recommendation finding the applicant should be awarded 22 points for drills performed. Based on the advising official recommendation and the applicant's DA Form 1380's the Board granted relief.

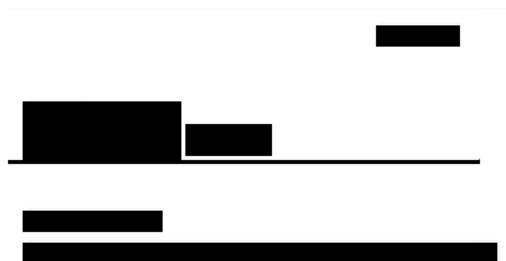
BOARD VOTE:

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 to show the applicant should be awarded 22 points in accordance with Army Regulation (AR) 140-185 as reflected on her DA Form 5016 for points for duties completed.



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 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. 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.

//NOTHING FOLLOWS//