

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 June 2025

DOCKET NUMBER: AR20240001274

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to reflect she was awarded 9 retirement points for training for Retirement Year Ending (RYE) 26 September 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- Three DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 12 September 2023 and endorsed by Staff Sergeant K-L- as the officer having knowledge of the duties performed that show she:
 - performed duty on 1, 15, and 29 April 2023, for a total of 12 hours, for 3 retirement points; the form was digitally endorsed by the Training Room Noncommissioned Officer (NCO)
 - performed duty on 6, 20, and 27 May 2023, for a total of 12 hours, for 3 retirement points; the form was digitally endorsed by the Training Room NCO
 - performed duty on 3, 10, and 24 June 2023, for a total of 12 hours, for 3 retirement points; the form was digitally endorsed by the Training Room NCO

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, in effect, the DA Forms 1380 she submitted for the months of April, May, and June 2023 for points only were not processed, as the Readiness Division can only execute from 60 days of signature.
3. A review of the applicant's service record shows:
 - On 27 September 2017 she enlisted in the U.S. Army Reserve (USAR) for a term of 6 years

- On 17 July 2018 she was ordered to active duty for training, her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was released from active duty on 16 November 2018; she completed 4 months of net active service
- DA Form 5016 dated 26 October 2024 shows for the RYE 26 September 2023 she earned 20 Inactive Duty Training points, 13 Membership points, 14 Active-Duty Training points totaling 47 creditable points

4. On 7 January 2025, the U.S Army Human Resources Command (AHRC), Chief, Personnel Services Division, provided an advisory opinion pertaining to the applicant's request for retirement points credit. The advisory official stated that Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 requires that nonpaid DA Forms 1380 must be sent to AHRC for award of retirement points within 90 days of the duty being performed. The enclosed DA Forms 1380 were not submitted timely. Submitting and awarding the requested retirement points also require Staff Sergeant [REDACTED] signature authority, as DA Forms 1380 must be signed by an officer with knowledge of the duty performed. This office cannot award retirement points without direction from the Army Review Boards Agency.

6. On 22 January 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She did not provide a response.

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 advisory opinion provided by the AHRC, Chief, Personnel Services Division, the Board concluded that the applicant submitted the required forms in a timely manner to her USAR unit. However, the Board further noted that the unit failed to submit the forms promptly to higher headquarters for admission onto her DA Form 5016. The Board determined that the applicant acted in accordance with regulatory requirements, and that the delay was attributable to her unit's administrative processing. Therefore, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 nine (9) qualifying retirement points for the retirement year ending 26 September 2023, provided all other criteria is met.

X //SIGNED//

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, 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), currently in effect, states DA Form 1380 will be prepared for a unit

Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. Nonpaid DA Form 1380s will not be entered into ADARS. Nonpaid DA Form 1380s must be digitally signed with time-date stamp and submitted to HRC for IMA/IRR and to the Readiness Division (RD) for TPU for award of retirement points no later than 90 days from date the duty was performed. 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.

//NOTHING FOLLOWS//