

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240001293

APPLICANT REQUESTS: in effect, correction of his records to award 6 Reserve retirement points only for duty performed from 27 May 2012 to 25 May 2013, in order to have a "good year"; 50 points vice only 44 points

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Emails Regarding Retirement Points
- Command Supply Discipline Program Document

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 needs to add 6 retirement points for the year 26 May 2012 [sic] through 25 May 2013 (two periods). In his most recent retirement briefing, he was told that correction of Troop Program Unit and Individual Mobilization Augmentee Soldier's retirement point record is accomplished through the Soldier's unit of assignment representative, submitting the action directly to the U.S. Army Human Resources Command, Personnel Action Branch. The unit has attempted but these points were archived in order to ensure that year was a good year for his retirement benefits, for some reason, they were never accounted for as is verified by his most recent retirement point statement. He has emails sent through the enterprise email and as well as his army.mil email address where he tried to get the points corrected.
3. The applicant provides DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) show he completed training on:

- 19 December 2012, 4 hours, 1 retirement point
- 14 and 28 January 2013, 4 hours each day, 1 retirement point per day (2 retirement points)
- 10 April 2013, 4 hours, 1 retirement point
- 17 April 2013, 4 hours, 1 retirement point
- 7 May 2013, 4 hours, 1 retirement point

4. The applicant's service record contains the following documents:

a. DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve commissioned officer on 27 May 2012.

b. DA Form 5016 (Chronological Statement of Retirement Points), 16 October 2024, shows from 27 May 2012 through 25 May 2013 he received 28 inactive duty points, 15 membership points, and 1 active duty point for a total of 44 creditable points. He did not receive a qualifying year for retirement. This document also shows he has 9 qualifying years for retirement as of 25 May 2022.

5. On 24 July 2024, the Chief, Military Services Office, U.S. Army Reserve Command (USARC) provided an advisory opinion, which states USARC reviewed his documents and determined he should be awarded 4 points in accordance with Army Regulation 140-185 (Army Reserve. Training and Retirement Point Credits and Unit Level Strength Accounting Records). His unit did not process the forms in a timely manner. A favorable decision from the Board would allow the Readiness Division to make this update. Full administrative relief granted.

6. On 26 July 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On 27 July 2024, he responded stating he would like to request that the opinion be amended to reflect the 6 retirement points he is missing from his record. He believes this is an oversight as all DA Forms 1380 are valid and there simply was a mistake in adding up the requested correction.

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 he needs 6 retirement points in order to make his retirement year a good year. The Board reviewed and agreed with the USARC advisory official's determination that based on the documents submitted, the applicant should be awarded 6 points in accordance with Army Regulation 140-185 (Army Reserve. Training and Retirement Point Credits and Unit Level Strength Accounting Records). His unit did not

process the forms in a timely manner. Therefore, 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 retirement 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 (Army Reserve. 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//