

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 June 2025

DOCKET NUMBER: AR20240001324

APPLICANT REQUESTS: payment of pay and entitlements for active-duty service performed on 9-10 June 2009.

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), 10 August 2021 – reflective of the applicant's performance of Battle Assembly from 9-10 June 2009
- DD Form 827 (Application for Arrears in Pay) – reflective of the applicant's submitted request for arrears payment for active-duty service performed from 9-10 June 2009
- Email communication – reflective of communication concerning the applicant's entitlement to payment for active-duty service performed from 9-10 June 2009; referred to this Board based on the provisions of the Barring Act
- Defense Finance Accounting Systems Pay Inquiry – reflective of the applicant's submitted request for pay and entitlements for active-duty service performed from 9-10 June 2009; the applicant notes the following:
 - She attended Battle Assembly (BA) from 9-10 June 2009 in conjunction with Annual Training (AT) performed from 11-25 June 2009
 - The sign-in roster for this BA incorrectly reflected 13-14 June 2009; this information conflicts/overlaps with the AT dates
 - These overlapping pay dates resulted in a debt for all Soldiers who participated in the BA
- Orders Number 043-130, 12 February 2008 – reflective of the applicant's entitlement to Aviation Career Incentive Pay (ACIP)
- Memorandum – Subject: Supporting Memorandums reflective of the circumstances surrounding the pay and subsequent recoupment action for active-duty service performed on 9-10 June 2009; the conflicting duty dates of 9-10 June 2009 (actual dates) versus 13-14 June 2009 (incorrect dates included in the units scheduled AT (11-25 June 2009)
 - Unable to locate the pay roster from 2009

- The applicant is now on serving in the Active Guard/Reserve (AGR) Program
- Leave and Earnings Statements – reflective of the recoupment of \$535.00 (Basic Pay) and \$16.67 (ACIP) from the applicant's pay; debt established for service performed on 13-14 June 2009
- Transmittal Log History – reflective of the processing of pay entitlements for the applicant's performance of active-duty service performed on 13-14 June 2009

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 pertinent part that she:

- Attended BA from 9-10 June 2009
- The sign in roster incorrectly reflected 13-14 June 2009; these days overlapped the scheduled AT dates of 11-25 June 2009
- This error resulted in a debt
- Initial claim for this action was submitted to in 2007 along with 4 other pay issues; the other issues were resolved

3. A review of the applicant's personnel records reflects the following:

- On 7 May 2007 – the applicant was appointed a Reserve commission
- On 4 May 2009 (Orders Number 09-124-00001) – reassigned the applicant to the 159th Aviation Regiment, effective 4 May 2009
- Orders Number 110657, dated 5 June 2009 – ordered the applicant to AT on 11 June 2009 for a period of 15 days
- Orders Number R-09-986691, dated 18 September 2009 – ordered the applicant to active duty in an AGR status, effective 28 September 2009
- On 10 September 2017 – she was released from active duty and transferred into the U.S. Army Reserve Control Group (Reinforcement)

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the provided DA Form 1380 signed by the applicant's Battalion Commander, as well as the statement from the applicant as to what caused the original error, the Board concluded there was sufficient evidence to change the applicant's record to add and pay the applicant for the additional service annotated and approved on the DA Form 1380.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: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 Army records of the individual concerned be corrected by showing the DA Form 1380 reflecting serving on June 9-10, 2009, was submitted in a timely matter by the appropriate agency to add the annotated retirement points and pay the applicant for such service.

//SIGNED//
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, 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. The Barring Act, 31 U.S.C., section 3702 states that the Secretary of Defense shall settle claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits. A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues. A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required

3. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

4. Department of Defense Financial Management Regulation, Volume 7A, Chapter 58 (Pay and Allowances for Inactive Duty Training (IDT)) provides a member of a Reserve Component is entitled to compensation at the rate of one-thirtieth of the basic pay prescribed for grade and years of service for the performance of each authorized period of IDT. A member cannot accrue compensation for IDT performed on a day on which he or she is also entitled to basic pay for Active Duty or on a day on which he or she is entitled to Muster Duty Allowance (MDA).

//NOTHING FOLLOWS//