

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240001452

APPLICANT REQUESTS: retirement points credit for Reserve duties performed in January and February 2017, May 2019, and September 2019.

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), 30 January 2018, 27 February 2017, 31 May 2019, and 23 September 2019
- Email exchange with various individuals
- DA Form 5016 (Retirement Accounting Statement), 4 November 2023

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 she transitioned from active duty to the Reserves in October 2014. Administrator at that time made her Retirement Year Eligibility (RYE) date October to October of the following year. During the transition to IPPSA (2023), she noticed that her RYE date had been changed to May to May of the following year. This change caused her to have two bad years in the Reserves due to how she had always planned out her points. Previously with a RYE date of October, she had all good years. She contacted the U.S. Army Human Resources Command (HRC) and they stated that her RYE date had been wrong the entire time she had been in the Reserves, despite having multiple PRR's and no other Unit Administrators noticing it was incorrect either. She is now submitting DA Forms 1390 for points only during these two bad years with work that she had done in hopes to correct her points and no longer have bad years. She has only just discovered this error and that is the reason for her request being so delinquent. During these two bad year periods, she was attending anesthesia school and also had two children which is the reason she did not have an overabundance of points because she was just trying to meet her minimum requirements of 50 points per year. She knows that she completed work during this timeframe that she could have

submitted more 1380's for points while in the STRAP (Specialized Training Assistance Program) at APMC (Army Medical Department Professional Medical Command) so that is what she is trying to do now to correct those two bad years. She is only missing 5 and 7 points respectively. She does not feel like she should be punished due to a clerical error done almost 10 years ago

3. The applicant served in the Regular Army (active duty) from 1 August 2005 to 16 October 2014, completing 9 years, 2 months, and 16 days of active service. She was appointed a Reserve commissioned officer of the Army and executed an oath of office on 17 October 2014.

4. The applicant's most recent DA Form 5106 (Retirement Accounting Statement), shows she has completed 17 qualifying years of service towards non-regular retirement. A breakdown of the retirement points for the relevant years is as follows:

BEGIN DATE	END DATE	MIL PER CLASS	SERVICE TYPE	INACTIVE DUTY POINTS	EXT COURSE POINTS	MEMBER-SHIP POINTS	ACTIVE DUTY POINTS	QUALIFYING FOR RETIREMENT			POINTS EARNED	POINTS CREDIT-ABLE	NOT CREDITED REASON(S)
								YRS	MOS	DAYS			
20150528	20160527	O	TPU	49	0	15	14	01	00	00	78	78	
20160528	20170527	O	TPU	30	0	15	0	00	00	00	45	45	
20170528	20180527	O	TPU	41	0	15	0	01	00	00	56	56	
20180528	20190527	O	TPU	40	0	15	4	01	00	00	59	59	
20190528	20200527	O	TPU	28	0	15	0	00	00	00	43	43	
20200528	20210527	O	TPU	59	0	15	0	01	00	00	74	74	
20210528	20220527	O	TPU	53	0	15	14	01	00	00	82	82	
20220528	20221113	O	TPU	6	0	7	14	00	05	17	27	27	
20221114	20230527	O	TPU	24	0	8	4	00	06	14	36	36	
20230528	20240527	O	TPU	41	0	15	14	01	00	00	70	70	
20240528		O	TPU	4	0	0	0	00	00	00	4	4	
CAREER TOTALS				414	0	147	3428	17	00	00	3989	3989	
								YRS	MOS	DAYS			

5. The applicant provides four DA Forms 1380 as follows:

- DA Form 1380, dated 30 January 2017, signed on 18 December 2023, reflective of (N2) duties on 27 and 30 January 2017, for points only.
- DA Form 1380, dated 27 February 2017, signed on 18 December 2023, reflective of (N2) duties on 3 and 27 February 2017, for points only.
- DA Form 1380, dated 31 May 2019, signed on 18 December 2023, reflective of (N2) duties on 29, 30, and 31 May 2019, for points only.
- DA Form 1380, dated 23 September 2019, signed on 18 December 2023, reflective of (N2) duties on 21, 22, and 23 September 2019, for points only.

6. The U.S. Army Reserve Command (USARC) provided an advisory opinion on 14 August 2024 in the processing of this case. An advisory official stated USARC reviewed [Applicant's] documents in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) and they should be awarded 17 points. The Soldier was unaware they could get points for their continuing education units (CEU). A favorable outcome by the Board would allow the Readiness Division to update the record. Full administrative relief granted.

7. The applicant was provided with a copy of this advisory opinion to give her an opportunity to submit comments. She did not respond.

BOARD DISCUSSION:

- 1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
- 2. The Board concurred with the conclusion of the advisory official that the applicant earned retirement points for which she did not receive credit. The Board determined her record should be corrected to reflect the additional retirement points documented on the DA Forms 1380 she provided in support of her application.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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█	█	█	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 processing the DA Forms 1380 she provided in support of her application and updating her retirement points accordingly.

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. Army Regulation 135-180 (Army National Guard and Reserve, Retirement for Regular and Non-Regular Service) prescribes policy and procedures governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard (ARNG), Army National Guard of the United States (ARNGUS), and the U.S. Army Reserve (USAR). The DA Form 5016 (Retirement Accounting Statement) provides members of the Reserve Components a detailed listing of retirement points earned in the previous completed anniversary years and assists units and Soldiers in verifying retirement points earned during the annual review. Appendix B-1 provides a detailed and long listing of service creditable as qualifying service and Appendix B-2 provides a listing of service not creditable as qualifying service.

3. Army Regulation 140-185, Training and Retirement Points Credits and Unit Level Strength Accounting Records, sets responsibilities and procedures to establish and maintain retirement records prescribing the types of training and activities for which retirement points are authorized. Paragraph 3-3 covers the DA Form 1380:

a. The purpose of this form is to record IDT (Inactive Duty Training) by—

(1) Troop Program Unit (TPU) Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR (U.S. Army Reserve) unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of AHRC who are attached for retirement points only to USAR TPUs, ARNG units, or to another Service or component for training per AR 140-10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA (Individual Mobilization Augmentee) detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in table 2-3.

b. The DA Form 1380 will be prepared for a unit Soldier who performs ET (equivalent training) or additional training with their unit subsequent to the scheduled BA (battle Assembly). TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS (Automated Drill Attendance Reporting Software) for the month's report and then place in the appropriate Army records information management system file. Nonpaid DA Forms 1380 will not be entered into ADARS and will be forwarded to AHRC for award of retirement points no later than the end of each duty month. The DA Form 1380 will be scanned into the Soldier's iPERMS by the unit of assignment.

c. Table 2-23 of Army Regulation 140-185 provides for award of inactive duty training retirement points. Rule 3, Attends 4-hour BA, Is an IRR or active SELRES with an IMA detachment in a non-pay status; then the individual will be awarded Points under 4-hour rule Soldier attached (category H, D, G, or N)

//NOTHING FOLLOWS//