

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240001492

APPLICANT REQUESTS: retirement points credit for Reserve duty performed during April, June, and August 2023.

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), 15 April 2023
- Letter of Lateness

FACTS:

1. The applicant states his yearly points for attending BA (Battle Assembly) are incorrect for Fiscal Year 2023 (FY23). His points for the months of April, June and August of 2022 are incorrect. He was given no points(zero) for those months. He has not missed a drill since reenlisting into the U.S. Army Reserve in August of 2009.

a. The problem came from where he started receiving VA (Department of Veterans Affairs) disability benefits. He tried to get his unit at that time, E Company, 2nd Battalion, 398th Regiment to code him on the pay roster as points only, no pay so he would not be receiving over payment from receiving drill pay and VA pay. He was coded wrong on the pay roster for those months as unexcused absences. As stated above, he has never missed a drill. After he transferred to his current unit, C Company, 2nd Battalion, 398th Regiment, and speaking with retention. That is when he learned that he was showing a bad year because of those months mentioned above. That was at April drill, and he has been trying to get it corrected ever since. His old unit ARA (unknown acronym) was supposed to have submitted corrections but apparently did not go thru or get done. So, started going through current unit ARA. Then had problems getting a correct DA Form 1380 from his old commander.

b. He has been trying to get this corrected for almost a year. He is set to hit 20 years on 20 August 2024. He turns 60 on [REDACTED] He had to get a waiver to wait on 20 year letter and submit retirement packet both which takes some time even if expedited. If his points are not corrected, then he will have a bad year thus making him need to serve until 20 August 2025 to receive his 20 year letter. That would have him serving close to 2 years past his mandatory retirement date with the time it normally takes to receive 20 year letters and process retirement packages. He is not requesting anything that he has not tried to get corrected through proper channels within the chain of command without success. He is also not asking for anything that he has not earned. Furthermore, he is not asking for the pay that he was entitled to for those months of drill. He just wants to receive his retirement points so as to have a good year.

2. Having has prior service in the Regular Army, the applicant enlisted in the U.S. Army Reserve on 21 August 2009. He served through multiple reenlistments or extensions in a variety of assignments and attained the rank of sergeant first class.

3. He provides a letter of lateness related to his DA Form 1380 that states the enclosed DA Form 1380 for points only is submitted late. Soldier's previous unit failed to process the DA 1380 during FY22. Soldier was assigned to 2-398 CAV Regiment on 20230301, the error was recently noticed during annual records review. The Squadron Staff and Troop Command Teams are aware of submission timelines and will continue to work on eliminating barriers that would delay the timely submission of all actions. With his latter, he provides a DA Form 1380, dated 15 April 2023, for "Points Only" and is signed by his commander on 9 January 2024 for duties performed in 2022 as follows:

- 7, 8, 9, and 10 April 2022, 8 hours each day, Retirement Points Code N2, Remote Administrative Duties
- 4 and 5 June 2022, 8 hours each day, Retirement Points Code N2, Remote Administrative Duties
- 6 and 7 August 2022, 8 hours each day, Retirement Points Code N2, Remote Administrative Duties

5. The applicant's DA Form 5016 (Retirement Accounting Statement), dated 19 September 2024, that shows he completed 19 qualifying years of service 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			
20220821	20221113	E	TPU	12	0	3	0	00	02	24	15	15	
20221114	20230820	E	TPU	40	0	12	0	00	09	07	52	52	
20230821	20240820	E	TPU	40	0	15	0	01	00	00	55	55	
20240821		E	TPU	0	0	0	0	00	00	00	0	0	
CAREER TOTALS				752	0	264	1807	19	00	00	2823	2823	

4. The U.S. Army Reserve Command (USARC) provided an advisory opinion on 6 September 2024 in the processing of this case. A USARC advisory official stated: USARC reviewed [Applicant's] documents and determined he should be awarded 16 points based off Army Regulation 140-185, Training and Retirement Points Credits and Unit Level Strength Accounting Records. Full administrative relief granted.
5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant states he has never missed a drill. He submitted his DA Forms 1380 for duty that he performed; however, due to transfer between two units, his points were not processed. An official at USARC stated after a review of the applicant's documents, it was determined he should be awarded 16 retirement points as the applicant's unit Army Reserve Administrator did not process his DA Forms 1380 in a timely manner. The Board agreed with the USARC advisory official that the applicant should receive 16 retirement points.

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 16 qualifying retirement points, based on submitted DA Form 1380 for April, June, and August 2023, 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:

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 (cate-gory H, D, G, or N).

//NOTHING FOLLOWS//