

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240001517

APPLICANT REQUESTS: retirement points credit for Reserve duty performed during December 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), 13 December 2019

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 requests to add retirement points from December 2019. Retirement points from December 2019 were never added to his military record.
3. Having has prior enlisted service, the applicant completed Officer Candidate School and was appointed a Reeve commissioned officer of the Army and executed an oath of office on 29 October 2019.
4. He was mobilized and entered active duty from 31 March 2022 to 14 March 2023 with service in Poland and Germany.
5. He provides a DA Form 1380, dated 13 December 2019, for "Points Only" and is signed by an officer on 13 December 2019 for duties performed in 2022 as follows:
  - 12 December 2019, 8 hours, support a reenlistment
  - 13 December 2019, 8 hours, G-1 support

6. The applicant's DA Form 5016 (Retirement Accounting Statement), dated 15 May 2024, that shows he completed 14 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			
20180416	20190415	E	TPU	41	0	15	87	01	00	00	143	143	
20190416	20191115	E	TPU	10	0	9	116	00	07	00	135	135	
20191116	20200415	O	AR.CG.D UAL	6	0	6	1	00	05	00	13	13	
20200416	20210415	O	TPU	84	0	15	141	01	00	00	240	240	
20210416	20220415	O	TPU	28	0	15	263	01	00	00	306	306	
20220416	20221113	O	TPU	0	0	9	212	00	06	28	221	212	X
20221114	20230415	O	TPU	9	0	6	136	00	05	02	151	151	
20230416	20240415	O	TPU	52	0	15	13	01	00	00	80	80	
20240416		O	TPU	6	0	0	0	00	00	00	6	6	
CAREER TOTALS				615	0	210	1314	14	00	00	2139	2130	

7. The U.S. Army Reserve Command (USARC) provided an advisory opinion on 12 August 2024 in the processing of this case. A USARC advisory official stated: USARC reviewed the applicant's documents in accordance with Army Regulation (AR) 140-185, Training and Retirement Points Credits and Unit Level Strength Accounting Records, and they should be awarded four (4) points. The unit did not properly process the forms for the Soldier, but a positive adjudication by ARBA would allow the Readiness Divisions to update the record. Full administrative relief granted.

8. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a response. He responded stating he had no comments to provide.

#### 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 performed the duties in December 2019 and his form was submitted but was not processed. An official at USARC stated after a review of the applicant's documents, it was determined he should be awarded 4 (four) retirement points as the applicant's unit did not properly process the form for the Soldier. The Board agreed with the USARC advisory official that the applicant should receive 4 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 4 qualifying retirement points, based on submitted DA Form 1380 for December 2019, 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, 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//