

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240001614

APPLICANT REQUESTS: reconsideration of her previous request to correct her Pay Entry Base Date (PEBD) to reflect the three (3) months she served prior to shipping to Basic Combat Training (BCT).

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Memorandum for Record
- DA Form 2166-8 (Noncommissioned Officer Evaluation Report (NCOER)), August 2005
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), 1 December 2023
- Colonel (COL) A\_ B\_'s letter, 8 December 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230003501 dated 31 October 2023.

2. The applicant states:

a. She is requesting reconsideration for the correction of her PEBD. She was able to get in contact with COL (Retired) A\_ B\_, another service member. COL A\_ B\_ was also assigned to the 301st Area Support Group and he also has knowledge and can certify the duties she performed while she was in the Delayed Entry Program (DEP). Enclosed the Board will find new evidence of a letter from COL A\_ B\_, the revised DA Form 1380 that was recreated on the current version 2016 and her first NCOER with COL A\_ B\_ as her Reviewer. She is asking that the Board please consider this new evidence as it pertains to her PEBD correction.

b. As Private P\_ [the applicant], she was not aware that her PEBD date was entered incorrectly into the system and is no fault of her own. As she moved up the ranks and became an Active Guard/Reserve (AGR) member, she still did not know that her date

was wrong. Once a DA Form 1506 (Statement of Service for Computation of Length of Service for Pay Purposes) was done by the U.S. Army Human Resources Command (HRC). She was made aware that the date needed to be corrected. She understood how important it is to have this issue corrected. She then has made many attempts through HRC to have her record corrected which brings her to the point that she is today by submitting her case to the ABCMR as a final effort to have her record corrected.

c. She understands that per regulatory guidance the DA Form 1380 was to be submitted back in 1999. She is asking that the Board please grant an exception to policy by accepting this revised DA Form 1380 and letter from COL A\_ B\_ as the officer having knowledge to grant credit for the duties performed June and July 1999.

3. A review of the applicant's military service record shows:

a. She enlisted in the U.S. Army Reserve (USAR) for 8 years on 14 May 1999. The applicant reenlisted five more times on 18 March 2005, 7 September 2010, 28 June 2013, and on 30 November 2016.

b. On 20 June 2019, in pertinent part:

(1) By memorandum, HRC notified the applicant of her eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter).

(2) DA Form 1506 lists the applicant's PEBD as 23 August 1999. The applicant and HRC official signed and authenticated the form.

c. On 31 October 2023, ABCMR Docket Number AR20230003501 shows the Board voted unanimously to deny the applicant's request to adjust her PEBD based on duty performance in 1999. The Board noted:

(1) The applicant enlisted in the USAR on 14 May 1999. This date became her Date Initially Entered Military Service date and the beginning date of her anniversary year. Her DA Form 5016 (Chronological Statement of Retirement Points now the Retirement Accounting Statement) correctly reflects this date as the date she entered military service. She contends that she performed recruiting assistance duties, conducting telephonic and face to face prospecting to generate leads of qualified applicants within the community, and provides a DA Form 1380 reflective of those duties in June and July 1999.

(2) Regulatory guidance requires that nonpaid DA Forms 1380 be forwarded to HRC for the award of retirement points no later than the end of each duty month. The Board reviewed and agreed with the advisory official's finding that the duty listed on the

DA Form 1380, if authorized, is for pay which should have been sent to and processed by DFAS in 1999. In addition, the submitted DA Form 1380 was prepared on the 2019 version of the form for duty performed 20 years prior and endorsed by a sergeant first class who is not the required officer having knowledge of the performed duty.

d. DA Form 5016 (Retirement Accounting Statement), dated 12 June 2024, shows, in pertinent part, her anniversary date began on 14 May 1999 and ended 13 May 2000. She earned a total of 17 Inactive Duty Training (IDT) points, 15 Membership points, and 111 Active Duty Training (ADT), 1 year qualifying for retirement, 143 points earned, and 143 points creditable. The applicant has completed 25 qualifying years of service for non-regular retirement.

e. She is currently serving as the Brigade S1 Noncommissioned Officer In-Charge, 1st Brigade, 78th Training Division, Joint Base McGuire-Dix-Lakehurst, NJ.

4. In support of her case the applicant provides:

a. DA Form 2166-8 showing she received her first NCOER covering the period of September 2004 through August 2005. In relevant part, COL A\_ B\_, lieutenant colonel at the time, was her reviewer.

b. DA Form 1380 dated 1 December 2023, submitted for pay during the completed anniversary year of 14 May 1999 to 13 May 2000. The form was revised and is now signed by Major A\_ B\_, Plans Officer [COL B\_], and shows the applicant's dates, hours, retirement points, location of duties, nature of duties, training or instruction, as follows:

- 4 June 1999 – 4 hours, "P-1" (paid), "APFT [Army Physical Fitness Test/Training], Drill and Ceremony Prep for Basic Training"
- 7 and 14 June 1999 – for 4 hours each day, P-1, "Hometown Recruiter Assistance Program (HRAP), conducted phone to new prospects"
- 18 June 1999 – 4 hours, P-1, APFT, Drill and Ceremony Prep for Basic Training
- 2 July 1999 – 4 hours, P-1, APFT, Drill and Ceremony Prep for Basic Training
- 6 and 12 July 1999 – for 4 hours each day, P-1, HARP, conducted phone to new prospects
- 16 July 1999 – 4 hours, P-1, APFT, Drill and Ceremony Prep for Basic Training

c. COL (Retired) A\_ B\_'s letter dated 8 December 2023, wherein, he states, the applicant was assigned to 301st ASG as a private in preparation for her departure to her Basic Training Class on 23 August 1999. As a recruit, the applicant was assigned to the U.S. Army Recruiting Command in New York City, but with the DEP she was required to attend in the Delayed Training Group through physical training formations, drill and

ceremony movements, and maintain her eligibility status of her enlistment. She participated in the HRAP conducting telephonic prospecting to generate leads of qualified applicants.

5. On 8 October 2024, the HRC, Chief, Personnel Services Division provided an advisory opinion and stated:

a. The United States Army Human Resources Command has reviewed the application according to Department of Defense (DoD) Financial Management Regulation (FMR) Volume 7A Chapter One Section 10202, which states that service is not creditable for enlistments after 29 November 1989. According to the DoD FMR, any period of enlisted service in a Reserve Component under Title 10, U.S. Code (USC), section 12103(b) or (d), including inactive service under a DEP, will not be counted towards creditable service for pay purposes if the member does not perform IDT before commencing active duty or an initial period of ADT. This means that any period of enlisted service in a Reserve Component before beginning active duty or an initial period of active duty for training is not counted towards creditable service for pay purposes.

b. The enclosed DA Form 1380 shows that duties were performed in June and July 1999. The Army Review Boards Agency may direct payment for this duty if a correction to the applicant's PEBD is made. This duty cannot be awarded nonpaid per DoD FMR.

c. The applicant was provided a DA Form 1506 on three occasions from HRC dating back to 2016 with instructions to submit for a correction to her PEBD. The applicant should take the necessary steps to correct her PEBD and if that results in an error, she should submit for debt forgiveness.

6. With the advisory opinion HRC attached two DA Forms 1506, which show her PEBD as 23 August 1999.

7. On 10 October 2024, the applicant responded to the HRC advisory opinion and stated, she is only requesting points for the months that she performed duty prior to shipping to basic combat training. She realizes that "payment is not possible and it is okay with her." She is just requesting to get credit for service so that she does not incur a debt.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon reviewing the applicant's petition, military records, and the advisory opinion from the U.S. Army Human Resources Command (HRC), the Board concurred with the advising official's determination. It was noted that HRC had provided the applicant with a DA Form 1506 on three separate occasions since 2016, along with instructions to submit the form for a correction to her Pay Entry Basic Date (PEBD). The Board emphasized that the applicant must take the necessary steps to correct her PEBD and, if an error occurs in the process, she should submit a request for debt forgiveness.

2. Furthermore, the advisory opinion clarified that service is not creditable for enlistments occurring after 29 November 1989. According to the Department of Defense Financial Management Regulation (DoD FMR), any period of enlisted service in a Reserve Component under Title 10, U.S. Code (USC), section 12103(b) or (d)—including inactive service under the Delayed Entry Program (DEP)—is not considered creditable for pay purposes unless the member performs Inactive Duty Training (IDT) before commencing active duty or an initial period of Active Duty for Training (ADT). Based on the advisory opinion and the applicant's failure to take the necessary steps to correct her PEBD, the Board found insufficient evidence to warrant relief and, therefore, denied the request.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20230003501 dated 31 October 2023.



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. DoD FMR Volume 7A, Chapter 1, May 2024, states in Section 2.1.4.12, service as an enlisted member in a Reserve Component, including Ready Reserve service (inactive and active) under the Delayed Entry (Enlistment) Program (DEP), before beginning active duty or an initial period of Active Duty Training, provided the Reserve enlistment was entered into before 1 January 1985. As of 1 January 1985, the following restrictions went into effect as and when stated:

a. Section 2.1.4.12.1. states, for enlistments in a Reserve Component under Title 10, USC, section 12103(b) or (d), including enlistments under a DEP, that were entered into between 1 January 1985, and 28 November 1989, the period served in the Reserve Component before beginning active duty or an initial period of ADT is not creditable; or

b. Section 2.1.4.12.2. states, for enlistments entered into on or after 29 November 1989, a period of enlisted service in a Reserve Component under Title 10, USC, section 12103(b) or (d), including inactive service under a DEP, is creditable service only if the member performs IDT before beginning active duty or an initial period of ADT.

2. Army Regulation (AR) 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR). Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status (Selected/Ready Reserve and Standby Reserve (Active Status List))

may take part in individual inactive duty training in a non-pay training status when authorized by the appropriate commander or Commanding General (CG), HR Command for their respective commands. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component TPU
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individuals mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

3. AR 140-185 (Army Reserve – Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for members of the US Army Reserve (USAR). Chapter 3-3b(2) states, a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with his or her unit subsequent to the submission of DA Form 1379 (USAR Components – Unit Record of Reserve Training).

4. AR 140-185, currently in effect, prescribes Army policy for USAR training and retirement point credit. It also prescribes requirements for USAR unit level strength accounting.

a. Paragraph 1-7a (Eligibility) states, retirement point credit is authorized for: (1) Reserve Component (RC) in active service in the Ready Reserve. (2) RC in an active status as defined in Section 10141, Title 10, United States Code (10 USC 10141). This includes Servicemembers in a Delayed Entry Program (DEP) established by Title 10, USC, section 513. This service is credited toward nonregular retirement since it is service in an active status as a member of the Ready Reserve. (3) Reserve Officers' Training Corps Simultaneous Membership Program, DEP Soldiers, and active Standby Reserve Soldiers. (4) Voluntary and involuntary IDT. (5) Members of the RC in a retired status, other than members who have retired from active service, or members transferred to the Retired Reserve under the conditions described in 10 USC 12734 who are ordered to perform active duty in accordance with 10 USC 12741.

b. Paragraph 1-7b states, retirement point credit is not authorized for: (1) Members of the RC in an inactive status under Title 10, USC, section 10152 pursuant to Title 10 USC, section 12734(a). (2) Members who have completed the service requirement for retired pay and are not 60 years old who are transferred to an inactive status (Retired Reserve).

c. Paragraph 1-8 (Service requirement for a satisfactory year of service for non-regular retirement) states, a qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

d. Paragraph 2-1e (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points. Voluntary IDT for points only will be a minimum of 2 hours in length (excluding roll call and rest periods) and maximum of two retirement points each day.

e. Table 2-4 (Award of IDT retirement points) Rule 20 provides that, when assigned/attached Soldier performs other individual IDT duty in a non-pay training status and is authorized under AR 140-1, the individual will be authorized points under the 4-hour/8-hour rule.

f. Paragraph 3-3 (DA Form 1380) states, the purpose of DA Form 1380 is to record IDT by —

(1) 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 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 the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard 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 2-4.



g. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the months report and then place in the appropriate Army Records Information Management System file. Nonpaid DA Forms 1380 will not be entered into ADARS. Nonpaid DA Form 1380s must be digitally signed with time-date stamp and submitted to HRC for IMA/IRR and to the Readiness Division (RD) for award of retirement points no later than 90 days from date the duty was performed. For example, duty performed on 21 January 2022, DA Form 1380 must be signed and submitted to the appropriate organization no later than 20 April 2022. DA Form 1380 will be digitally signed with time/date stamp.

h. Paragraph 3-5 (DA Form 5016) states, these statements (1) Provide a permanent record of the total retirement points Soldiers earn during an anniversary year. (2) Inform Soldiers whether they earned sufficient points for a qualifying year for retirement or retention in an active status. (3) Provide Soldiers an opportunity to review their retirement points to request corrections.

i. The DA Form 5016 is (1) Prepared by HRC from the processing of data furnished manually and utilizing automation. (2) Prepared for Soldiers under HRC command to include obligated enlisted Soldiers who have earned at least one retirement point. (3) Prepared to cover a full anniversary year of ADT or active duty. (4) Prepared for all Soldiers regardless of the number of points awarded. (5) Issued annually and upon correction to a record.

j. Correcting DA Form 5016 provides that, units may request corrections of the DA Form 5016 from the Commanding General, HRC. The request should include a summary of the requested correction with supporting documents. Correspondence must be addressed to Commander, HRC and the appropriate office. When a retirement points update is requested, HRC will not complete a partial update, a full audit of retirement points will be administered.

k. Annual review states, "Soldiers and units are required to review and update DA Form 5016 annually as part of the Personnel Record Review."

l. Paragraph 3-7 (Defense Finance and Accounting Service Form 702) provides that, when an automation issue occurs between DFAS and Retirement Point Accounting System that causes a USAR Soldier not to receive retirement points for IDT or active duty, the Soldier or unit may use DFAS Form 702 or the master military pay account. Units will forward to HRC for input for award of retirement points. Soldiers assigned to the Individual Ready Reserve or Individual Mobilization Augmentee will forward directly to HRC for processing.

//NOTHING FOLLOWS//