

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240001927

APPLICANT REQUESTS: correction of his retirement points for duty performed

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Explanation of Lateness
- Email from Reserve Personnel Action Center (RPAC)

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 retirement points from 2017 were not captured in his military record due to multiple DA Forms 1380 that were never processed for pay. When his year end service date passed, he accepted that he would not be paid for the service he completed. He was unaware that the DA Forms 1380 could be processed for retirement points only until recently. Because the service was more than 6 months old, his RPAC referred him to the Board to request corrections.
3. The applicant provides the following documents:
  - a. DA Forms 1380 show he performed duty on:
    - 4 February through 7 February 2017, 8 hours per day, 2 retirement points per day (8 total retirement points)
    - 8 February 2017, 4 hours, (1 retirement point)
    - 10 March through 12 March 2017, 8 hours per day, 2 retirement points per day (6 total retirement points)
    - 3 and 4 June 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)

- 5 August 2017, 8 hours (2 retirement points)
- 8 August 2017, 4 hours (1 retirement point)
- 12 September 2017, 4 hours (1 retirement point)
- 16 and 17 September 2017, 8 hours per day, 2 retirement points per day (4 total retirement points)

b. Letter of lateness from the applicant's commander, 23 January 2024, states, in effect,:

(1) The applicant was released from the Active Guard Reserve program with an appointment for direct commission in December 2016. While working with U.S. Army Human Resources Command to schedule his officer candidate school, he began training with Headquarters and Headquarters Company 364th Expeditionary Sustainment Command (ESC) for February and March 2017. He was not yet on the company's unit manning roster and his DA Forms 1380 for this period were never processed.

(2) In March of 2017, it was determined that he did not meet accession requirements for commissioning and his appointment was revoked. There was not a military occupational specialty qualified position for him at the 364th ESC, and he was assigned to another unit on a two-man team, which do not meet regularly as a conventional unit would. When the other member of his team retired, the applicant encountered some difficulty in finding an officer willing to vouch for the training time recorded on the DA Forms 1380.

(3) The applicant was promoted to master sergeant and left his unit to fill a vacancy position. At that point, his unit stopped engaging with him to process the DA Forms 1380 and he met resistance from his new unit due to one DA Form 1380 being unsigned and the other two being for duty performed with another unit.

(4) On 20 December 2017, his year ending anniversary date, he accepted that he was unlikely to get paid. It did not occur to him that he was entitled to receiving credit for retirement points as well. Now that he has been made aware, he is requesting these retirement points be added to his record.

c. An email from RPC, 31 March 2024, states the DA Forms 1380 were not processed for pay. He could submit them for points only. The DA Forms 1380 were returned without action due to not being within 6 months of the duty performed. He would need to submit them to the Board for action.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the U.S. Army Reserve (USAR) on 21 December 2004. He remains in the USAR through immediate reenlistments.

b. DA Form 5016 (Chronological Statement of Retirement Points) 25 November 2024, shows he received the following points:

- From 21 December 2016 through 20 December 2017, 6 inactive duty points, 15 membership points, 5 active duty points, 26 total creditable points
- From 21 December 2017 through 20 December 2018, 27 inactive duty points, 15 membership points, 14 active duty points, 56 total creditable points

5. On 23 September 2024, USAR Command (USARC), provided an advisory opinion, which states USARC reviewed the applicant's documents and determined he should be awarded 27 points. Full administrative relief granted.

6. On 27 September 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On 27 September 2024, the applicant responded asking of the 27 points would be credited to his service record according to the date of service (fiscal year 2017). He will have reached 20 years of service in December and 2017 is the only year that does not count towards retirement because he was not given credit for these 27 points. If they are added back according to the date of service, he will be eligible for retirement 90 days from now.

### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations of the USARC advisory opinion, the Board concluded there was sufficient evidence to grant relief by awarding the applicant 27 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 27 qualifying retirement points, based on submitted DA Form 1380 for 4 February 2017 through 17 September 2017, 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 prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers.

a. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and Multiple Unit Training Assemblies (MUTA)
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status

b. Paragraph 2–4 states, personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 point for each calendar day they serve in one of these categories and may not be awarded additional points for other activities while in such status. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day

- points may not be awarded under more than one of the rules above during any single calendar day

c. Paragraph 3-3(b) provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; the code "N" indicates the Soldier is entitled to retirement point credit only. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Form 1380s will not be entered into ADARS and will be forwarded to HRC for award of retirement points no later than the end of each duty month. The DA Form 1380 will be scanned into the Soldiers Integrated Personnel Electronic Records Management System record by the unit of assignment.

//NOTHING FOLLOWS//