

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240002081

APPLICANT REQUESTS:

- In effect, acceptance of five DA Forms 1380 (Army Reserve – Record of Individual Performance of Reserve Duty Training) so they can be converted to retirement points and credited on her DA Form 5016 (Retirement Accounting Statement)
- Permission to appear personally before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Five DA Forms 1380

FACTS:

1. The applicant states her S-1 (Unit-Level Human Resources Officer) was unable to add the five DA Forms 1380 to her record; as a result, her DA Form 5016 is missing points accrued over a 2-year period.

a. In support of her request, the applicant provides the following DA Forms 1380:

- 16-17 October, 6-6 November, 4-5 December 2021 and 8-9 January, 4-6 February 2022 – 8 hours each day (total 88 hours); includes 16 hours for "Dining Out, Family Program"
- 27 October and 17 November 2021 – 4 hours each day for COVID (Coronavirus Disease) vaccine (total 8 hours)
- 7-8 August, 18-19 September 2021 – 8 hours each day (total 24 hours)
- 19-20 March, 9-10 April, 13-14 May, 4-5 June 2022 – 8 hours each day (total 72 hours)
- 13 February, 20 April, and 21 December 2021 – three periods 4 hours each (total 12 hours); also lists 4 hours for a day in month "19" for 2020

b. The forms indicate the applicant either performed rescheduled training (RST) or "appropriate" training. In item 9c (Retirement Points), all items are coded "P" (training completed for pay) and either "1" (4-hour period) or "2" (8-hour period).

2. A review of the applicant's service record shows that, on 21 November 2008, after completing over 2 years of service in the California Army National Guard, the applicant enlisted into the U.S. Army Reserve (USAR) for 8 years. Through reenlistments, she continued USAR service and is currently assigned to a Troop Program Unit.

3. On 31 October 2024, the U.S. Army Reserve Command (USARC) provided an advisory opinion regarding the above-mentioned DA Forms 1380. USARC recommended that the Board deny administrative relief.

a. USARC determined retirements points should not be awarded because the applicant did not submit the correct forms to her S-1 for timely processing. "The regulation clearly says 30 days from the date of performance of the duty. The Soldier waited for over three years to turn in points for multiple months. There is no substantiating documentation for why this was done."

(1) Additionally, "Paid (P) code is not used for points only. The forms should have had a Non-Paid 'N' code in column 9c for points only as described in AR (Army Regulation) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 2-4 (Criteria for Awarding Retirement Points). Separate forms are required when crossing a fiscal year, and there is no 19 month."

(2) Further, "Points are not granted for COVID vaccine shots or for unit dining outs."

b. On 6 November 2024, the Army Review Boards Agency forwarded a copy of the USARC advisory opinion for the applicant's review and the opportunity to submit additional comments and/or evidence. On 19 November 2024, the applicant sent the following:

(1) "...I first spoke with S-1 about drilling for points only (because of) a VA (Department of Veterans Affairs) rating. The S-1 instructed (me) and line leader for me not to sign in on the Sign-In Roster and to submit (DA Forms) 1380. The S-1 personnel provided the instruction(s) on what to place on the (DA Forms) 1380. Both (I) and line leaders did as instructed."

(2) "I attend(ed) every drill that is associated with each (DA Form) 1380. When I noticed that my points were not updating, I was told by S-1 that I needed to wait until my anniversary date for them to update. When my anniversary came and they were still

not up to date, (S-1) said she would start inquiring as to who could assist with making the corrections."

(3) "S-1 contacted different parties as to what the problem was. Then continuously asked for me to resend her the documentation. She would tell (me) that it was an IPSSA (Integrated Personnel and Pay System – Army) problem or (that) there was a back log somewhere. After sending (them) multiple times, (S-1) never stated that there was an issue with the documents. I have email traffic to show I sent them to her on time. My first line (supervisor) can verify this as well, since he was the one sending them...I asked the commander and the 1SG (first sergeant) to get involved...and they directed (me) back to S-1."

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states an applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 review of the applicant's petition, available military records and U.S. Army Recruiting Command (USARC) advisory opinion, the Board considered the advising official recommendation for denial finding the did not submit the correct forms to her S-1 for timely processing. The opine noted the applicant waited for over three years to turn in points for multiple months.

2. The Board determined the applicant did complete her training in good faith and continuously coordinated with her chain of command for guidance and assistance in updating her retirement points. The Board noted per regulatory guidance, points are not granted for COVID vaccine shots or for unit dining outs. The Board agreed that partial relief is warranted for the acceptance of her DA Forms 1380 that meet regulatory guidance so they can be converted to retirement points and credited on her DA Form 5016 (Retirement Accounting Statement). As such, the Board granted partial relief to accept the following DA Form 1380's –

- 7-8 August, 18-19 September 2021 – 8 hours each day (total 24 hours)
- 16-17 October, 6-6 November, 4-5 December 2021 and
- 8-9 January 2022, 4-6 February 2022 – 8 hours each day (total 72 hours)
- 19-20 March, 9-10 April, 13-14 May, 4-5 June 2022 – 8 hours each day (total 72 hours)

- 13 February, 20 April, and 21 December 2021 – three periods 4 hours each (total 12 hours)

3. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing the applicant submitted her DA Form 1380 in a timely manner and the following were accepted and credited to the applicant's DA Form 5016 for the following dates:

- 7-8 August, 18-19 September 2021 – 8 hours each day (total 24 hours)
- 16-17 October, 6-6 November, 4-5 December 2021 and
- 8-9 January 2022, 4-6 February 2022 – 8 hours each day (total 72 hours)
- 19-20 March, 9-10 April, 13-14 May, 4-5 June 2022 – 8 hours each day (total 72 hours)
- 13 February, 20 April, and 21 December 2021 – three periods 4 hours each (total 12 hours)

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to deny acceptance of the applicant's DA Form 1380's for 27 October and 17 November 2021 – 4 hours each day for COVID (Coronavirus Disease) vaccine (total 8 hours) and 16 hours for "Dining Out, Family Program".

[REDACTED]

[REDACTED]

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[REDACTED]

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. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, provided policies and procedures for awarding retirement points toward a non-regular retirement.

a. Paragraph 2-2 (Criteria for Earning Retirement Points). Retirement points could be earned by U.S. Army Reserve (USAR) Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary

active duty for training (involuntary ADT), voluntary IDT (inactive duty training), annual training (AT), IDT, membership points. The types of IDT authorized included re-scheduled training (RST), equivalent training (ET), and training of individual Soldiers in a non-pay status.

b. Paragraph 2-4 (Criteria for Awarding Retirement Points) stated:

(1) Personnel on active duty, ADT, IADT, involuntary ADT, or AT were awarded one point for each calendar day they served in one of those categories and could not be awarded additional points for other activities while in such status.

(2) Table 2-3 (Award of Inactive Duty Training Retirement Points) provided criteria for award of retirement points for IDT (inactive duty training) performed.

(a) Most types of IDT were covered by one of listed rules for the required duration of IDT and there were calendar day limitations on points. A maximum of two retirement points could be credited for attendance at unit BA or IDT in any 1 calendar day.

(b) Four/eight-hour rule. Soldiers earned one point for each 4 hour or greater period. Award of a second point in the same day required additional hours to bring the day's total to a minimum of 8 hours. The maximum was two points in 1 calendar day.

c. Paragraph 3-3 (DA Form 1380). The form's purpose was to record IDT performed by Troop Program Unit Soldiers participating in IDT assemblies when pay was authorized and the Soldier was not present to sign the IDT attendance Roster.

(1) Troop Program Units were to retain one copy of the DA Form 1380 to post the appropriate entry into the Automated Drill Attendance Reporting Software (ADARS) for the month's report and then place in the appropriate Army records information management system file.

(2) Nonpaid DA Forms 1380 were not to be entered into ADARS and had to be forwarded to the U.S. Army Human Resources Command (HRC) for award of retirement points no later than the end of each duty month.

2. AR 140-145 (Army Reserve - Individual Mobilization Augmentation Program), in effect at the time, established policies and procedures for the employment, utilization, and management of the Individual Mobilization Augmentation (IMA) Program. Paragraph 4-6 stated, for training for retirement points only, the following applied:

a. Proponent agencies could assign additional projects to their Soldiers to complete, with their consent, "FOR RETIREMENT POINT CREDIT ONLY." Such projects were to

be directly related to the mission, organization, function, and activities of the Soldier's proponent agency and otherwise support the Soldier's individual training and development plan.

b. Upon satisfactory completion of such projects, proponent agencies had to complete and submit DA Forms 1380 to the appropriate HRC personnel actions branch within 72 hours for the appropriate retirement point credit. Such credit was awarded per AR 140–185. All submissions older than 30 days required a commander's memorandum explaining the late submission.

c. Proponent agencies were encouraged to provide their Soldiers with every opportunity to perform additional training projects "FOR RETIREMENT POINT CREDIT ONLY" in order to help them maintain their proficiency and earn sufficient retirement points (50) to earn a qualifying retirement year.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

c. Paragraph 2-11 (ABCMR) Hearings. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//