

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240002098

APPLICANT REQUESTS: In effect, correction of the Anniversary Year Ending (AYE) dates on her DA Form 5016 (Retirement Accounting Statement) so that she recovers two additional qualifying years for a non-regular retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016

FACTS:

1. The applicant states, before her service was added, she understood that her AYE date was 12/05 (i.e., December 5th); after the Army corrected her points, the applicant's AYE shifted to 05/20. This shift caused her to lose 2 years of qualifying service towards her non-regular retirement, and she is asking the Board to shift her points and reinstate the missing years. In support of her request, the applicant provides a copy of her DA Form 5016. (The applicant indicated she was submitting two DA Forms 5016, one before and one after the change in AYE; however, only the DA Form 5016 representing the changed AYE was provided).

2. A review of the applicant's service record shows the following:

a. On 21 May 2004, after graduating from a university and completing Reserve Officers' Training Corps requirements, the applicant executed her oath of office as a U.S. Army Reserve (USAR) commissioned officer, branched Army Nurse Corps. On 29 May 2004, the applicant executed her oath of office as a Regular Army commissioned officer.

b. On 10 December 2010, after the Army approved the applicant's request for unqualified resignation, the Army honorably discharged her. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed 6 years, 5 months, and 10 days of net active-duty service, with 2 months of inactive service.

c. On 31 December 2010, the applicant executed her oath of office as a USAR commissioned officer. She continued her service, through various Troop Program Unit (TPU) assignments and is currently assigned to a TPU as a deputy commander.

3. On 6 September 2024, the U.S. Army Reserve Command (USARC) provided an advisory opinion and recommended denying administrative relief. USARC noted that, contrary to the requirements outlined in Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), the applicant failed to accrue 50 retirement points for the below-listed AYEs:

- 20170521-20180520
- 20180521-20190520

4. On 17 September 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. The applicant responded by submitting three DA Forms 1380 (Army Reserve – Record of Individual Performance of Reserve Duty Training), two certificates of completion, and two emails, respectively dated in April and May 2022. The emails reflected the following:

- April 2022 email from applicant's IMA (Individual Mobilization Augmentee) manager to the Retirement Points Team, Reserve Personnel Action Branch, U.S. Army Human Resources Command (HRC); included DA Forms 1380 and Certificates of Completion retirement points added to applicant's DA Form 5016
- May 2022 email from HRC Retirement Points Team; the DA Forms 1380 were returned without action due to noncompliance; there were three errors: AYE should be 05/20; the authority and AR 140-185 rule were missing; and the forms needed to show the address where the training had been completed
- The applicant did not provide any documents showing the aforementioned errors were corrected and that the DA Forms 1380 had been resubmitted

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 review of the applicant's petition, available military records and U.S. Reserve Command advisory opinion, the Board concurred with the advising official recommendation for denial finding per regulatory guidance the applicant did not accrue 50 retirement points for the Anniversary Year Ending (AYE) 21 May 2017 through 20 May 2018 and 21 May 2018 through 20 May 2019.

2. The Board determined there is insufficient evidence to support the applicant's contentions for correction of the Anniversary Year Ending (AYE) dates on her DA Form 5016 (Retirement Accounting Statement) so that she recovers two additional qualifying years for a non-regular retirement. The Board agreed, based on the advising official recommendation and the absence of sufficient documentation to support she accrued 50 retirement points, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 for correction of the records of the individual concerned.

X//Signed//

CHAIRPERSON

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, included policies and procedures for awarding retirement points toward a non-regular retirement.

a. Paragraph 1-7 (Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement). A qualifying year of service for non-regular retired pay was a full year during which a Reserve Component member was credited with a minimum of 50 retirement points. An accumulation of 20 such years was one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 1-8 (Establishment of Anniversary Year)

(1) The full year periods used for the crediting of qualifying years for non-regular retirement had to be based on the anniversary years. Anniversary year periods were calculated from an anniversary date. The anniversary date was the date the Servicemember entered into active service or active status in the Reserve Component.

(2) The month and day for each successive anniversary year could not be adjusted unless the Servicemember had a break in service.

(a) A break in service occurred only when a member transferred to an inactive status list, the inactive National Guard, a temporary disability retired list, the Retired Reserve, or was discharged for longer than 24 hours.

(b) There was no break in service if the Servicemember transferred directly to another active component or Reserve Component. When a Servicemember with a break in service returned to an active Reserve status or to active service, the revised anniversary year start date was set at the date of return or reentry.

c. Paragraph 2-4 (Criteria for Awarding Retirement Points) states:

(1) Personnel on active duty, ADT (active duty for training), IADT (initial active duty for training), involuntary ADT, or AT (annual training) are awarded one 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.

(2) Table 2-3 (Award of Inactive Duty Training Retirement Points) provides criteria for award of retirement points for training performed and are addressed within the listing of 21 rules.

2. Department of Defense Instruction (DODI) 1215.07 (Service Credit for Non-Regular Retirement), currently in effect, includes the requirements for crediting active and Reserve Component service for a non-regular retirement. Paragraph 3-1 (Criteria for Establishing the Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement) states:

a. Paragraph 3.1a (Qualifying Years of Satisfactory Service). A qualifying year of creditable service toward a non-regular retirement is a full year, during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points.

b. Paragraph 3.1b (Establishing an Anniversary Year). The date the Service member entered into active service or active status in an Reserve Component establishes the anniversary year.

c. Paragraph 3.1c (Adjusting Anniversary Years). The start date month and day for each successive anniversary year will not change unless the Service member has a break in service. A Service member who returns to an active status in the Reserve Component after a break in service will have a revised anniversary year. The anniversary year start date will change to the return or reentry date.

//NOTHING FOLLOWS//