

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240002120

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to show 13 additional retirement points for retirement year ending (RYE) 14 June 2022.

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) - November 2021
- DA Form 1380 – March 2022
- DA Form 1380 – April/May 2022
- DA Form 1380 – June 2022
- Email correspondence

FACTS:

1. The applicant states the DA Forms 1380 were returned without action due to untimely submission. He did the work but due to ignorance consolidated all DA Forms 1380 at the end of the Anniversary Year and submitted them together. He completed the work for points only in accordance with the Individual Mobilization Augmentee (IMA) program and did not receive credit for work completed. He was unaware of the Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), paragraph 3-3 (4)b (end of month) or Department of the Army G-1 exception to policy (signed 60 days from the last duty day performed) requirement as he was new to the IMA program and all DA Forms 1380 had been submitted on his behalf as a Troop Program Unit Soldier until 2022. The supporting Army Reserve Element Noncommissioned Officers changed out and information was lost in the shuffle.

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

- a. On 15 June 2007, the applicant was appointed as a Reserve commissioned officer and executed an oath of office with subsequent call to active duty.

b. On 27 January 2018, the applicant was honorably released from active duty and transferred to Headquarters and Headquarters Company, 440th Civil Affairs Battalion. He completed 10 years, 7 months, and 6 days of net active service.

c. On 28 January 2018, the U.S. Army Human Resources Command issued Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army Under Title 10, United States Code, 12201 and 12203 appointing the applicant as a Reserve commissioned officer.

d. On 21 July 2021, the applicant entered active duty as an IMA Soldier.

e. DA Form 5016, dated 14 July 2024, shows the applicant earned for the RYE 14 June 2022, 14 membership points for a total of 14 points creditable for retirement.

f. The applicant remains in the U.S. Army Reserve.

3. The applicant provides:

a. DA Form 1380 dated 7 April 2023, which shows he performed duties consistent with his IMA position on 12 and 13 November 2021 earning 4 retirement points. The form is endorsed by Lieutenant Colonel (LTC) [REDACTED] Global Force Management Officer as the officer having knowledge of the duties performed.

b. DA Form 1380 dated 7 April 2023, which shows he performed duties consistent with his IMA position on 7 and 8 March 2022 earning 3 retirement points. The form is endorsed by LTC [REDACTED] Global Force Management Officer as the officer having knowledge of the duties performed.

c. DA Form 1380 dated 7 April 2023, which shows he performed duties consistent with his IMA position on 4 April 2022 and 4 May 2022 earning 2 retirement points. The form is endorsed by LTC [REDACTED] Global Force Management Officer as the officer having knowledge of the duties performed.

d. DA Form 1380 dated 7 April 2023, which shows he performed duties consistent with his IMA position on 4 and 5 June 2022 earning 4 retirement points. The form is endorsed by LTC [REDACTED] Global Force Management Officer as the officer having knowledge of the duties performed.

e. Email correspondence wherein the applicant was informed his DA Forms 1380 were returned without action due to being outside of 60 days of completion of the duties. He would have to petition the Board.

4. On 26 September 2024, in the processing of this case the Chief, Personnel Services Division, U.S. Army Human Resources Command (AHRC), provided an advisory opinion and stated, AHRC reviewed the application. According to AR 140-185, paragraph 3-3, nonpaid DA Forms 1380 must be sent to AHRC for the award of retirement points within 90 days of the duty being performed. However, the DA Forms 1380 prepared in April 2023 for duty performed in November 2021 and March through June 2022 were not submitted on time. The DA Forms 1380 were not prepared or submitted in accordance with AR 140-185. Therefore, AHRC can only award retirement points with direction from this Board.
  
5. On 1 October 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed the U.S. Army Human Resources Command's advisory opinion and determined that despite the applicant's submission being late, it appears to be administrative in nature and not due to negligence or lack of duty performance. Additionally, there is no dispute regarding the authenticity or accuracy of the duty performed, therefore, the Board majority granted relief. The Board minority concurred with the advising official and determined there were not extenuating circumstances that prevented timely submission on behalf of the applicant and therefore 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 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 qualifying retirement points on the dates indicated below, provided all other criteria is met: 13 additional retirement points for retirement year ending (RYE) 14 June 2022.



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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve 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, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- Four/eight-hour rule; Soldiers earn one point for each 4 hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8 hours for a maximum of two points in 1 calendar day

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

2. Department of Defense Instructions 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours.

//NOTHING FOLLOWS//