

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 November 2024

DOCKET NUMBER: AR20240002157

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect 26 additional retirement points in Retirement Year Ending (RYE) 1 November 2023.

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) during the period of February 2023
- DA Form 1380 during the period of May 2023

FACTS:

1. The applicant states he requests the correction of his DA Form 5016 to reflect an additional 26 non-paid retirement points in the RYE ending 1 November 2023 for duty he performed outside normal scheduled training which was submitted over 90-days after the duty was performed.

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

a. On 2 November 2000, the applicant enlisted in the Army National Guard of the United States (ARNGUS).

b. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant was honorably discharged from the ARNGUS on 2 April 2004 for enlistment in another component of the Armed Forces.

c. On 3 April 2004, the applicant enlisted in the U.S. Army Reserve and had continuous service through extensions and reenlistments.

d. The applicant was ordered to active duty in support on Operation Iraqi Freedom on two occasions.

e. DA Form 5016 dated 15 February 2024, shows during the RYE 1 November 2023, the applicant was awarded 81 inactive duty training points, 15 membership points and 11 active-duty training points for a total of 107 creditable points. It does not reflect the applicant was awarded retirement points for the dates he is requesting to be awarded additional non-paid retirement points.

3. The applicant provides:

a. DA Form 1380 dated 28 February 2023 which shows the applicant performed company administrative duties completing 8-hours of duty each day for 2 non-paid retirement points each day for a total of 12 non-paid retirement points on 2, 3, 13, 17, 27, and 28 February 2023.

b. DA Form 1380 dated 3 June 2023 which shows the applicant performed company administrative duties completing 8-hours of duty each day for 2 non-paid retirement points each day for a total of 14 non-paid retirement points on 10, 15, 18, 21, 24, 26, and 29 May 2023.

4. On 3 September 2024, in the processing of this case, Headquarters, U.S. Army Reserve Command, provided an advisory opinion regarding the applicant's request to be awarded additional non-paid retirement points. The advisory official stated upon review of his documents, it was determined there was no reason for the inability to process his documents. No administrative relief granted.

5. On 16 September 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

#### BOARD DISCUSSION:

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 request, available military records and Headquarters, U.S. Army Reserve Command – Soldier Programs Branch advisory opinion, the Board concurred with the advising official recommendation for no administrative relief granted. The Board recognized the DA Form 1380's provided by the applicant, however, the opine noted they wanted to see what the applicant had done to prevent not submitting his DD Form 1380 in a timely manner in the future. Based on the advising opine recommendation, the Board denied relief.

\ BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.



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) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).

a. Paragraph 3-11 (Equivalent Training (ET)), ET is performed in lieu of scheduled training (either Rescheduled Training (RST) or, Unit Training Assembly (UTA) or Multiple Unit Training Assembly (MUTA)). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if

granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. Inactive duty training (IDT) will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for 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 training of individual Soldier in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), ET, 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

d. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. 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 Forms 1380 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.

f. 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. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

3. Department of Defense Instruction (DoDI) 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//