

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 November 2024

DOCKET NUMBER: AR20240002273

APPLICANT REQUESTS:

- In effect, correction of his record to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), various dates, were accepted, and added to his record for the anniversary years:
  - 14 December 2021 to 28 August 2022
  - 29 August 2022 to 13 November 2022
  - 14 November 2022 to 13 December 2022
  - 14 December 2022 to 13 December 2023
  - 14 December 2023 to Present
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Six DA Forms 1380, 22 December 2022, 7 January 2023, 7 February 2023, 1 June 2023, and 28 September 2023, 16 April 2024
- Memorandum for Record, Subject: Fiscal Year 2024 Battle Training Assembly Dates, 17 October 2023

FACTS:

1. The applicant states he requests the addition of retirement points to his U.S. Army Reserve (USAR) service record in lieu of payment. Readiness Management Assemblies (RMA) duties were performed. DA Forms 1380 were submitted for pay and points. RMA funds were not available, and payment could not be disbursed. Duties performed qualify him for addition of points to his USAR service record. Add retirement points to his military records for Additional Training Assemblies (ATA) military service performed for regular military duties. He did not receive payment and points due to lack of ATA funding.

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

a. Having prior enlisted service in the Army National Guard (ARNG) and Cadet service, on 16 December 2017:

- DA Form 71 (Oath of Office – Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office
- National Guard Bureau (NGB) Form 337 (Oaths of Office) shows he was appointed as a first lieutenant in the North Carolina ARNG and executed his oath of office

b. His record contains DA Form 5016 (Retirement Accounting Statement) dated 5 March 2024, which shows his total career retirement points earned as – 385 Inactive Duty Training (IDT), 165 Membership, 911 Active Duty Training (ADT), 11 years Qualifying for Retirement, 1461 Points Earned, and 1461 Points Creditable. In relevant part, the form also shows for the completed anniversary years listed below he earned the following retirement points:

- 14 December 2021 to 28 August 2022 – 24 IDT, 11 Membership, 15 ADT, 8 months and 16 days Qualifying for Retirement, 50 Points Earned and Creditable
- 29 August 2022 to 13 November 2022 – 3 Membership, and 3 Points Earned and Creditable
- 14 November 2022 to 13 December 2022 – 4 IDT, 1 Membership, 3 months and 14 days Qualifying for Retirement, 5 Points Earned and Creditable
- 14 December 2022 to 13 December 2023 – 42 IDT, 15 Membership, 55 ADT, 1 year Qualifying for Retirement, and 112 Points Earned and Creditable
- 14 December 2023 to Present – 13 IDT, and 13 Points Earned and Creditable

3. The applicant provides:

a. DA Forms 1380, various dates, submitted for points only for the completed anniversary years from 14 December 2021 to present. The forms were signed by First Lieutenant D\_, Team Chief, and show the applicant's dates, hours, retirement points, location of duties, nature of duties, training, or instruction, as follows:

- 7 January 2022 – 4 hours, N1 (nonpaid), at 3320B S Wakefield St, Arlington, Virginia, E-QIP application; Totaling; 1 point
- 22 December 2022 – 4 hours, N1 (nonpaid), at 3320 Silas Creek Pkwy, Winston-Salem, NC, digital fingerprint submission; Totaling: 1 point
- 8 to 15 January 2023 – for 4 hours each day, N1 (nonpaid), at 3320B S Wakefield St, Arlington, Virginia, Captains Career Course (CCC) Common Core, 9-00-C23 (Distance Learning (DL)), Army Learning Management System (ALMS) Instruction (72 Hours); Totaling: 8 points

- 7 February 2023 – 4 hours, N1 (nonpaid), at 8490 Kao Circle, Manassas, Virginia, security clearance interview; Totaling: 1 point
- 15 February 2023 – 4 hours, N1 (nonpaid), at 3320B S Wakefield St, Arlington, Virginia, CCC Common Core, 9-00-C23 (DL), ALMS Instruction (72 Hours); Totaling: 1
- 22 May 2023 – 4 hours, N1 (nonpaid), at Fort Belvoir Specker Field House, for-record Army Combat Fitness Test and administrative task completion; Totaling: 1 point
- 27 September 2023 – 4 hours, N1 (nonpaid), at Fort Belvoir Barden Education Center, Defense Language Aptitude Battery; Totaling: 1
- 14 April 2025 [2024] – 4 hours, P1 (paid), at CCARC, White Plains, MD, Active Guard/Reserve on-boarding, job aid development, on-line training, and administrative tasks; Totaling: 1 point

b. Commander, 450th Civil Affairs Battalion (Airborne) Memorandum for Record, Subject: Fiscal Year Battle Training Assembly Dates, dated 17 October 2023, which lists Battle Assembly dates and states all Soldiers assigned to the battalion are required to attend Battle Assemblies on the listed dates.

4. On 17 July 2024, Headquarters, U.S. Army Reserve Command (USARC), Chief Soldier Programs Branch, provided an advisory opinion for this case and granted full administrative relief. The advisory official stated, USARC reviewed the applicant's documents and determined he should be awarded 14 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant submitted the DA Forms 1380 in a timely manner for pay, but funds were unavailable. A favorable adjudication by the Army Review Boards Agency would allow the Readiness Divisions to update the applicant's points. "Full administrative relief granted."

5. On 19 July 2024, the applicant was provided with a copy of the USARC advisory opinion. 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 and concurred with the U.S. Army Reserve Command's advising official and determined the evidence supports the applicant submitted his DA Forms 1380 for the retirement years 14 December 2021 to 28 August 2022, 29 August 2022 to 13 November 2022, 14 November 2022 to 13 December 2022, 14 December 2022 to

13 December 2023, and 14 December 2023 to Present accruing 16 retirement points for the periods covered.

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:

- 1 retirement point for 7 January 2022
- 1 retirement point for 22 December 2022
- 8 retirement points for 8 to 15 January 2023
- 1 retirement point for 7 February 2023
- 1 retirement point for 15 February 2023
- 1 retirement point for 22 May 2023
- 1 retirement point for 27 September 2023
- 2 retirement points for 14 April 2024

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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. AR 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the USAR. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Unit (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individuals mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, contains Army policy for U.S. Army Reserve training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, a qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.

b. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points.

c. Paragraph 2-4b(5) (Criteria for awarding retirement points) states, in accordance with the eight-hour rule, approved electronic-based distributed learning (EBDL) courses will be awarded to members of the Selected Reserve (TPU). Subject to available funding, and as pre-approved, Soldiers may earn one (1) retirement point and be paid for one (1) IDT for every 8 hours of distance learning completed.

d. Table 2-4 (Award of IDT retirement points) Rule 20 provides that, when assigned/attached Soldier performs other individual IDT duty in a non-pay training status and is authorized under AR 140-1, the individual will be authorized points under the 4-hour/8-hour rule.

e. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record IDT by:

(1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points).

f. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the months report and then place in the appropriate Army records information management system file. Nonpaid 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. DA Form 1380 will be scanned into the Soldiers integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

g. Paragraph 3-4 (EBDL) states, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107, section 603), authorized compensation to certain members of the Selected Reserve. Pursuant to Title 37, U.S. Code, section 206(d), a member of the Selected Reserve of the Ready Reserve may be paid compensation at a rate and under terms determined by the Secretary of Defense upon the members successful completion of a course of instruction undertaken by the member using EBDL

methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. This regulation provides discretionary payments only for members of the Selected Reserve not in active service or on active duty who are directed by their commanders to complete training requirements related to unit readiness or mobilization, by means of EBDL.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states that 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//