

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240002677

APPLICANT REQUESTS: correction of Retirement Point Accounting System (RPAS) statement for the years 2019 and 2020

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4856 (Developmental Counseling Form), 10 October 2019
- Email Unresolved Pay and RPAS Issues, 18 September 2020
- Email RPAS and Foreign Language Proficiency Bonus (FLPB) Update, 28 September 2020
- Email RPAS and FLPB Update, 6 October 2020
- Email RPAS Records, 11 January 2021
- NGB Form 23B (Army National Guard (ARNG) Retirement Points History Statement), 23 November 2021
- Email Exception to Policy (ETP) for FLPB, 3 May 2023
- Email Follow-up Admin Action, 16 Jun 2023
- Email FLPB ETP, 27 June 2023
- Email [REDACTED] ARNG ([REDACTED] ARNG) Inspector General (IG), 30 January 2024

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states:

a. Her RPAS statement is missing creditable service hours for the years 2019 and 2020 resulting in a "bad year" and non-creditable service for retired pay for those years.

b. The year of 2019 reflects 49 hours and is missing time spent coordinating with leadership to correct her records, prior to discharge, as well as time spent on "Dark Night" calls that her unit failed to generate service memorandums for.

c. The 2020 year reflects 19 hours and is missing time spent in the aforementioned manner plus the administrative adjustment made for the rest of her unit due to COVID restrictions. Prior to her Physical Evaluation Board (PEB), she was counseled on receiving credit for admin efforts in conjunction with the PEB. This understanding was carried into 2020.

d. She was assured by leadership and admin points of contact that both the 2019 and 2020 points would be adjusted, once the COVID regulations were passed. While the points for individuals within her unit were adjusted administratively in 2021, her RPAS was not adjusted as she had been medically discharged, before this action was taken. She attempted to correct the issue with the [REDACTED] ARNG several times and was assured it would be done.

e. Most recently, the [REDACTED] ARNG IG determined they are not able to fix it due to a lack of access to her records and directed the correction needs to come from the Board. She was given a DA Form 4856 (Developmental Counseling Form) indicating the five total unit training assemblies that would be credited for the Medical Evaluation Board (MEB) process in 2019. The agreement to credit hours for administrative processes is referenced by leadership in email correspondence through her discharge in 2020 as is the discussion about administrative adjustments so that servicemember did not suffer a bad year due to COVID.

f. She has actively and consistently attempted to get several issues corrected at the lowest levels possible over the last five years. She has gone through several instances of different individuals within leadership committing to resolve the issues, her sending documentation over, waiting, following up, and repeating the process, while giving ample time in between for action to be taken. This is one but four issues she has.

g. She has hundreds of pages of documentation substantiating her efforts and the agreements of leadership that these issues should be fixed as well as a commitment that they would be fixed and testament that they still should be fixed, despite her separation.

h. At this point, she is rejoining the federal service with the Department of State and needs to buy her time back. She only has a limited time to do this before it is no longer an option. She was directed by the [REDACTED] ARNG IG to appeal to the Board as the ARNG no longer has access to her records and cannot correct the issues, contrary to what was promised via email.

i. She only attached the emails relating to the 2019 and 2020 service and attempts at correction. Staff Sergeant (SSG) [REDACTED] was the individual who initially told her to check back in one year from her discharge date as the state was discussing a memorandum

of understanding for drilling servicemembers during 2020 to avoid the "bad year" due to COVID. When she followed up one year later, she was informed that the issue had been resolved at the unit level. SSG [REDACTED] and Sergeant First Class (SFC) [REDACTED] were the individuals who indicated the administrative fix was done at the unit level. Regardless of this, she can substantiate several hours of effort to correct and follow-up with the administrative process, which should have been credited during 2020 but were not. The full extent of the files can be included if necessary.

3. The applicant provides the following documents:

a. DA Form 4856 (Developmental Counseling Statement), 10 October 2019, states she does not meet medical retention standards. She had elected to appeal a non-duty related PEB solely for a fitness determination and possible retention in the ARNG. She understood she was only authorized to attend home station inactive duty training and only allowed to attend annual training if she receives a G1 waiver, while awaiting the result of the board. She agreed with the counseling and signed the form.

b. Emails regarding unresolved pay, RPAS issues, and FLPB, which state in pertinent part, she was directed to work with SSG [REDACTED] on her RPAS. The entire staff had been diligently working on the issues. The issues were not easy to fix. SFC [REDACTED] was working through the documents he received so far on her missing drill dates in order to update her RPAS statement. She would not receive drill credit for her time in the Inactive National Guard (ING); however he was working through the time she came out of the ING until her discharge so she received the correct credit. The emails are available for the Board's review.

c. NGB Form 23B (ARNG Retirement Points History Statement), 23 November 2021, shows from 15 April 2019 through 14 April 2020 she received 34 inactive duty points, 15 membership points, for a total of 49 points. She did not receive a creditable year of service for retired pay. From 15 April 2020 through 25 September 2020, she received 12 inactive duty points, 7 membership points, for a total of 19 points. She did not received a creditable year of service for retired pay. She has a total of 12 years creditable service for retired pay.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the ARNG on 14 December 2012.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) she enlisted in the Regular Army on 6 March 2006 and was honorably released to the [REDACTED] ARNG on 18 January 2013 to attend school. She had completed 6 years, 10 months, and 13 days of active duty service.

c. DA Form 4187 (Personnel Action), 13 January 2018, shows she requested to be transferred to the Inactive Army National Guard (ING) as of 27 February 2018.

d. DA Form 4187, (Personnel Action), 10 April 2019, shows she requested to be transferred from the ING effective 15 April 2019 in order for the [REDACTED] ARNG to process her lines of duty and pay inquiries.

e. DA Form 199 (Information PEB Proceedings), 30 June 2020 shows the board found her physically unfit for duty and referred her case for disposition under Reserve Component Regulations. She elected to appear before the board and did appear before the board. She did not concur with the board's findings and stated her appeal was attached; however, the appeal was not available for the Board's consideration.

f. Memorandum non-duty related case, 21 August 2020, forwarded the PEB and findings to the [REDACTED] ARNG Adjutant General.

g. Orders 0000691187.00 published by the [REDACTED] ARNG, 25 September 2020, shows she was involuntarily separated from the ARNG effective 25 September 2020 for disability not in the line of duty. Her characterization of service was honorable.

h. Her service record is void of an NGB Form 22 (Report of Separation and Record of Service) discharging her from the ARNG and an NGB Form 23B (ARNG Retirement Points History Statement).

5. On 1 November 2024, National Guard Bureau (NGB) provided an advisory opinion, which states:

a. The applicant requests that her ARNG Retirement Points History Statement be corrected. NGB recommended denial of her request.

b. She requests her NGB Form 23B (ARNG Retirement Points History Statement) be corrected for the period of 2019 and 2020. She claims the RPAS statement is missing total points for retired pay for periods of service between 2019 and 2020, which resulted in "bad years" of service, meaning not a complete year.

c. She claims during a period of service in 2019 she acquired 49 points of creditable service; however, there is time that is not covered, during this period of service, where she spent time coordinating with leadership attempting to correct her records, prior to her discharge, that would have given her the extra points of creditable service to have a good year.

d. She also claims that while going through the MEB and the PEB, which found her unfit for service, she flew out [REDACTED] for a periodic health assessment and her

biannual Army Physical Fitness Test which may not have coincided with her unit's regular drill dates for the two years she is currently missing credit for.

e. She states in her claim that she was assured, by her leadership, that all her time would be accredited properly once COVID regulations were established, meaning that there was an agreement to credit hours for administrative process, during the period of COVID so that Soldiers would not suffer a bad year of service due to restrictions.

f. The [REDACTED] ARNG did a further review of her ABCMR claim and concluded they would be able to update her RPAS statement provided she could provide documentation such as pay documents from her master military pay account (MMPA), "Dark Night Memos", split unit training assembly (SUTA) forms, and copies of DA Form 1379 (Inactive Duty Training Attendance Roster).

g. Army Regulation 135-180 (ARNG and Army Reserve – Retirement for Non-Regular Service), paragraph 2-6(c), states that orders, by themselves, are not substantiating documents and will only be used when they support other source documents listed in this paragraph. Soldiers should be counseled and advised to retain copies of all retirement point statements and/or NGB Forms 23 and related documents. Supporting documents per Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) and National Guard Regulation 680-2 (Automated Retirement Points Accounting Management) may include, but are not limited to: MMPA, DA Form 1379, SUTA, and not emails.

h. National Guard Regulation 680-2 provides guidance on how to properly record entries into an individual Soldier's RPAS. It states that commanders will provide performance memos ("dark night memo") or other certificates at least once a month to the Retirement Points Accounting Management (RPAM) administrator listing all non-aid retirement points earned for entry into the RPAM record.

i. After a thorough review of this case, with the support of the [REDACTED] ARNG, NGB recommends her claim be denied. The [REDACTED] ARNG has completed a review of her claim and cannot pinpoint a period of service to provide her creditable service to complete a good year. However, the [REDACTED] ARNG has stated that they are willing to support her claim if she were to provide her MMPA records, DA Form 1379, SUTA forms, or "dark night memos". The emails provided by her do not support a change to her RPAS records. If she could provide specific times to correlate to training days with the training year calendar memo, the [REDACTED] ARNG would support the decision to do a "dark night memo".

j. The advisory opinion was coordinated with the [REDACTED] ARNG and the ARNG Retirement Section.

6. On 6 November 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the findings and recommendations of the NGB advisory opinion and the lack of any rebuttal of those findings and recommendation submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant retirement points.

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.

3/17/2025

X

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. National Guard Regulation 680-2 (Automated Retirement Points Accounting Management) prescribes the Retirement Points Accounting Management (RPAM) application in the Reserve Component Automation System (RCAS) as the system of record for Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS) Soldiers.

a. It prescribes policies and procedures to record retirement point credit for reserve retirement and years of creditable service for retired pay for non-regular service, and all related actions, for ARNG/ARNGUS Soldiers.

b. Paragraph 2-4 (Minimum retirement points required for a year of satisfactory service) states, Soldiers must earn a minimum of 50 retirement points, regardless of source, in each full anniversary year to have that year creditable towards verification of the total years of qualifying service for non-regular retired pay. A partial qualifying year is any period of less than 12 full months, during which the Soldier earns the pro-rated share of 50 points in table D-2 in appendix D for that period. Enter all retirement points earned in the RPAM record, whether the period is creditable or not. When Soldiers accrue the required qualifying years for issuance of a notification of eligibility for retired pay, use all creditable retirement points in the RPAM record whether the year in which the retirement points were earned was creditable or not, subject to the limits in paragraph 2-3 and table 2-1 above, to determine retired pay.

3. Army Regulation 135-180 (ARNG and Army Reserve – Retirement for Non-Regular Service), prescribes policies and procedures governing non-regular retirement to Soldiers in the ARNG, Army National Guard of the United States (ARNGUS) or the U.S. Army Reserve (USAR). It states the Chief, NGB and Chief, Army Reserve will monitor their Soldier's NGB Forms 23 (Annual Retirement Points Statement) or DA Form 5016 (Chronological Statement of Retirement Points) to detect errors and initiate corrective action when Soldiers provide supporting documentation. Commanders will help Soldiers to obtain missing documents and will coordinate through their chain of command to State Retirement Points Accounting Management (RPAM) administrator/HRC to resolve issues.

4. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) Chapter 2: Paragraph 2-4a states personnel on active

duty, Active Duty Training (ADT), Inactive Duty Training (IADT), involuntary ADT, or Annual Training (AT) 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. A maximum of two retirement points may be credited for attendance at unit Battle Assemblies (BA) or IDT in any 1 calendar day.

//NOTHING FOLLOWS//