

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 November 2024

DOCKET NUMBER: AR20240002911

APPLICANT REQUESTS: in effect, reallocation of reserve retirement points to show a good year for retirement due to her retirement year ending (RYE) date change for RYE 10 May 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 (Retirement Accounting Statement), 26 October 2023
- DA Form 5016 (Draft Only), 4 January 2024

FACTS:

1. The applicant states a change to her retirement points conducted on 7 November 2023 realigned her points and changed her RYE from May to September. This change caused her to incur a non-qualifying year for 11 May 2018 to 10 May 2019. Prior to the change of her RYE, she had a good year with 64 points. She plans her U.S. Army Reserve (USAR) battle assemblies (drills) so that she makes sure she receives a "good year." She has never had a "bad year." However, this change caused her to have a "bad year."

2. The applicant provides two DA Forms 5016 which show, in pertinent part:

- on 26 October 2023, for the RYE 23 September 2018 and RYE 23 September 2019; the applicant received a qualifying year for retirement (64 points)
- on 4 January 2024, for the RYE 10 May 2019; the applicant received a non-qualifying year for retirement (44 points)

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

a. She executed her oath of office on 11 May 2007 and subsequently entered active duty on 23 August 2007.

b. She served on active for 7 years and 3 days and was honorably released from active duty and transferred to the USAR on 25 August 2014.

c. She entered active duty as a member of the USAR on 21 August 2022 and served for a period of 1 year and 2 days. Her DD Form 214 (Certificate of Release or Discharge from Active Duty), as amended by her DD Form 215 (Correction to DD Form 214) shows she was honorably released from active duty and returned to her USAR unit on 20 August 2023.

d. She continues service in the USAR.

4. On 23 September 2024, in the processing of this case, the U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to recalculate her retirement points for RYE 10 May 2019. The advisory official, after review, stated she does not meet the minimum requirement of 50 retirement points for the anniversary year to attain a good year of qualifying service in accordance with Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). Points cannot be "reallocated" to years when they were not performed. No administrative relief granted.

5. On 11 October 2024, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for an opportunity to review and comment.

6. On 15 October 2024, the applicant responded and indicated that she would like to rebut and comment on the advisory opinion.

a. The realignment of her retirement points caused her a non-qualifying year for 11 May 2018 to 10 May 2019. It caused her points to decrease from a good year with 64 points to a bad year with only 44 points.

b. During this time, she was pregnant and postpartum so she could only do a little above the minimum required for a good year. She closely monitors her retirement points in order to make sure she has all qualifying years for retirement. She could not have predicted her RYE would change. She has sought assistance multiple times. She asks the Board to reject the advisory opinion and reconsider her case.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's DA Form 5016 dated 26 October 2023, shows for the RYE 23 September 2018 and RYE 23 September 2019; the applicant received a qualifying year for retirement (64 points). However, a change to her retirement points realigned her points and changed her RYE from May to September. As a result, her DA Form 5016 dated January 2024 shows for the RYE 23 September 2018 and RYE 23 September 2019; the

applicant received a non-qualifying year for retirement (44 points). The Board noted that the applicant earned in excess of 50 retirement points during all of her years in the RC. She attended drills and planned her training based on the Retirement Year listed on her DA Form 5016. Although the Army correctly adjusted her Retirement Year to the correct date, the resultant change led her to lose points. This realignment of her retirement points caused her a non-qualifying year for 11 May 2018 to 10 May 2019. It caused her points to decrease from a good year with 64 points to a bad year with only 44 points. The Board found this to be an injustice and determined that an appropriate remedy would be to have 6 excess retirement points redistributed from any of her "good" years to her RYE 23 September 2018 and RYE 23 September 2019, which would credit her with 50 retirement points for that year.

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 that the evidence presented was 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 redistributing 6 of the applicant's excess RC retirement points to the retirement year ending 11 May 2018 to 10 May 2019 to provide her with a full qualifying year of service for this retirement year.

11/18/2024

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.

REFERENCE:

Army Regulation 140-185, (Training and Retirement Points Credits and Unit Level Strength Account Records), contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. It states:

a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the servicemember entered into active service or active status in a Reserve Component.

b. The month and date for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry.

c. A qualifying year of service for non-regular retired pay is a full year during which the 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.

//NOTHING FOLLOWS//