

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2025

DOCKET NUMBER: AR20240002997

APPLICANT REQUESTS:

- retirement points
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Timeline of Commissioning – Requesting Verification for Oath of Office, 15 April 2024
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), 12 March 2024
- DA Form 61 (Application for Appointment)
- DA Form 71 (Oath of Office Military Personnel), 18 September 2009
- Memorandum – Subject: Appointment as a Reserve Commissioned Officer of the Army Under Title 10, USC 12201 and 12203, 18 September 2009
- Certificates of Completion
- DA Form 705 (Army Physical Fitness Test (APFT) Scorecard)
- Certificates of Attendance
- Reserve Health Readiness Program Voucher
- DD Form 2808 (Report of Medical History), 11 September 2008

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 upon review of her retirement points she noticed that several periods of qualifying service performed were not reflected. During these periods, she completed Physical Health Assessments (PHA), Continuing Education Units (CEU) and the APFT. She contests that she is no longer seeking pay for the duty performed, however she would like to be awarded the appropriate points.

3. A review of the applicant's service records reflects the following:

a. After serving as an enlisted Soldier in the Regular Army, U.S. Army Reserve (USAR) and the Army National Guard (ARNG), on 18 September 2009, the applicant was appointed a Reserve commissioned officer.

b. On 2 October 2015, USARC issued Orders Number 15-275-00003 honorably discharging the applicant from the USAR, effective 11 December 2015.

c. On 21 April 2017, the U.S. Army Human Resources Command (AHRC) issued Orders Number R-07-701795 ordering the applicant to active duty in an Active Guard/Reserve (AGR) status for a period of 3 years, effective 12 June 2017.

d. On 25 November 2019, AHRC issued Orders Number R-07-701795A01 amending Orders Number R-07-701795 to reflect an indefinite period rather than 3 years.

4. The applicant provides the following:

a. Memorandum – Subject: Timeline of Commissioning – Requesting Verification for Oath of Office, dated 15 April 2024, reflective of information pertaining to the applicant's commissioning in September 2009.

b. DA Form 1380 dated 12 March 2024, reflective of the applicant's performance of qualifying service (Rescheduled Training (RST)) for points only on 9 and 18 September 2009 (4 hours each day/2 points total). During this period the applicant completed administrative paperwork and received her Oath of Office.

c. DA Form 61 reflective of the applicant's submitted request for appointment as a commissioned officer within the Army Nurse Corp.

d. DA Form 1380 dated 27 January 2016, reflective of the applicant's performance of RST for pay on 25 and 27 January 2016 (8 hours per day/4 points total). During this period the applicant performed administrative duties.

e. DA Form 1380 dated 29 February 2016, reflective of the applicant's completion of various training courses on 17 February 2016. Column 9b. (Hours) reflects – 24; Column 9c. (Retirement Points) reflects – 6. This document is void of endorsement.

f. Certificates of Completion, reflective of the applicant's completion of various courses of instruction on 17 and 29 February 2016.

g. DA Form 1380 dated 14 October 2022, reflective of the applicant's completion of a training course on 22 October 2014. Column 9b. (Hours) reflects – 5; Column 9c. (Retirement Points) reflects – 1. This document is void of endorsement.

h. Certificate of Completion, reflective of the applicant's completion of a 5 hour training program on 22 October 2014.

i. DA Form 1380 dated 30 May 2014 reflective of the applicant's completion of an APFT on 30 May 2014. Column 9b. (Hours) reflects – 4; Column 9c. (Retirement Points) reflects – 1. This document is void of endorsement.

j. DA Form 705 reflective of the applicant's completion of a record APFT on 30 May 2014.

k. DA Form 1380 dated 29 April 2014, reflective of the applicant's completion of various training courses on 29 April 2014. Column 9b. (Hours) reflects – 30; Column 9c. (Retirement Points) reflects – 7. This document is void of endorsement.

l. Certificates of Completion, reflective of the applicant's completion of various courses of instruction on 29 April 2014.

m. DA Form 1380 dated 11 August 2012, reflective of the applicant's performance of appropriate service on 1-3, 6, 8, 9 and 11 August 2012 (8 hours each day). During this period the applicant completed various administrative duties and attended a convention.

n. DA Form 1380 dated 11 September 2012, reflective of the applicant's performance of appropriate service on 3-7 and 10 September 2012 (8 hours each day/12 points). During this period the applicant completed various administrative duties and attended multiple schools in support of the Junior Reserve Officer Training Corps (JROTC) program.

o. DA Form 1380 dated 27 September 2011, reflective of the applicant's performance of training requirements 7, 11, 18 and 25 September 2011 (4 hours each day/4 points). During this period the applicant completed actions associated with her professional development.

p. DA Form 1380 dated 8 August 2011, reflective of the applicant's completion of various training courses on 8 August 2011. Column 9b. (Hours) reflects – 17; Column 9c. (Retirement Points) reflects – 4. This document is void of endorsement.

q. Certificates of Attendance, reflective of the applicant's completion of various courses of instruction between May – August 2011.

r. DA Form 1380 dated 11 February 2011, reflective of the applicant's completion of a Periodic Health Assessment (PHA) on 11 February 2011 (4 hours/1 point). This document is void of endorsement.

s. Reserve Health Readiness Program Voucher, reflective of the applicant's acknowledgement of her scheduled 11 February 2011, PHA appointment.

t. DA Form 1380 undated reflective of the applicant's completion of various training activities on 3, 10, 11 and 19 November 2009 (4 hours each day/ 4 points).

u. DA Form 1380 dated 12 March 2024, reflective of the applicant's completion of a PHA on 11 September 2008 (4 hours/1 point).

v. DD Form 2808 dated 11 September 2008, reflective of the applicant's completion of her PHA on 11 September 2008.

5. A review of the applicant's 8 January 2025 DA Form 5016 (Retirement Accounting Statement) reflects the following periods of qualifying service:

- 10 December 2008 – 17 September 2009: 30 points total (18 Inactive Duty and (IDT) 12 Membership points)
- 18 September 2009 – 9 December 2009: 18 points total (15 IDT and 3 Membership points)
- 10 December 2011 – 9 December 2012: 75 points total (56 IDT, 15 Membership and 4 Active-Duty points)
- 10 December 2015 – 9 December 2016: 80 points total (53 IDT, 15 Membership and 12 Active Duty points)

6. On 5 December 2024, USARC, Retirement Services Officer, provided an advisory opinion recommending partial approval in that the applicant should be awarded four retirement points based on her performance of qualifying service for 4 hours each day on:

- 11 September 2008
- 9 September 2009
- 18 September 2009
- 19 November 2009

a. The applicant has already received points for the following dates:

- 1 August 2012 (2 points)
- 2 August 2012 (2 points)

- 3 August 2012 (1 point)
- 9 August 2012 (2 points)
- 11 August 2012 (2 points)
- 25 January 2016 (2 points)
- 27 January 2016 (2 points)
- 3 November 2009 (1 point)
- 10 November 2009 (1 point)
- 11 November 2009 (1 point)

b. The remaining DA Forms 1380 are not filled out correctly or are missing a signature and have been rejected. The forms should have a Non-Paid "N" code in Column 9c. (Retirement Points) for points only as described in Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records), Paragraph 2-4. The maximum hours/points that can be awarded per day is the rule 4 hour/N1 and 8 hour/N2.

7. On 29 December 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 15 January 2025, the applicant has not responded.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 receiving credit for 4 retirement points for 1 and 2 August 2012 as she has already received credit for the other dates requested.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:                :                :                GRANT FULL RELIEF

■                ■                ■                GRANT PARTIAL RELIEF

:                :                :                GRANT FORMAL HEARING

:                :                :                DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 4 retirement points for the period 1-2 August 2012, provided all other criteria is met.

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to granting the applicant additional retirement point credit.

4/30/2025

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, USC, 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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component (RC) 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. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting. The AYE is much like a Reserve Soldier's "Anniversary" date and is a primary date captured in the Retirement Points Accounting System (RPAS). The anniversary year periods listed on the DA Form 5016 are calculated from an anniversary date. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per Department of Defense Instruction 1215.07 and changing the anniversary year ending date are as follows:

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 service member entered active service or active status in a RC.

b. Paragraph 2-2, states retirement points may be earned by USAR Soldiers for Active Duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and MUTA
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

c. Paragraph 2–4 states, 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

3. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicant's 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//