

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240003005

APPLICANT REQUESTS: in effect, correction of her DA Form 5016 (Retirement Accounting Statement) to show she served 8 years of creditable reserve service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States), 16 May 1998
- DD Form 1966 (Record of Military Processing - Armed Forces of the United States), 16 May 1998
- USAREC Form 1127-R-E (Supplement to DA Form 3286-67 - Statement for Enlistment (or Appointment) Army Policy, 16 May 1998
- DA Form 5435-R (Statement of Understanding - the Selected Reserve Montgomery GI Bill), 16 May 1998
- DA Form 3540-R (Certificate and Acknowledgement of U.S. Army Reserve Service Requirements and Methods of Fulfillment), 16 May 1998
- DD Form 2807-1 (Report of Medical History), 26 October 2004
- DD Form 2808 (Report of Medical Examination), 26 October 2004
- SF 507 (General Services Administration and Interagency Committee of Medical Records), 26 October 2004

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 correction should be made to her record because the number of years she served is incorrect and she needs her years of service verified on file.
3. A review of the applicant's record shows:
 - a. On 16 May 1998, she enlisted in the U.S. Army Reserve (USAR) for 8 years.

b. A DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 10 December 1998, shows the applicant was released from the active duty after completion of advanced individual training and was awarded military occupational specialty 71L (Administrative Specialist). It also shows she completed 3 months and 22 days of service and was awarded or authorized the Army Service Ribbon.

c. The available service record is void of the following documents:

- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- DA Form 5016 (Retirement Accounting Statement)
- Separation Orders discharging her from the USAR

d. In her application to the Board, the applicant states in item 6 that she is not currently serving and her separation date was 16 May 2006.

4. The applicant provides:

a. DD Form 4, dated 16 May 1998 that shows she enlisted on 16 May 1998 in the USAR for 8 years. She also provided the following documents included in her enlistment packet that shows she acknowledged Army Policy and guidelines, her service obligations and educational benefits and they also confirmed information she provided that qualified her for enlistment into the Armed Forces of the United States:

- DD Form 1966
- USAREC Form 1127-R-E
- DA Form 5435-R
- DA Form 3540-R

b. On 26 October 2004, the applicant underwent a medical evaluation for the purpose of retention which indicated she was physically fit for retention under provisions of AR 40-501 (Standards of Medical Fitness) and was subsequently marked qualified for service.

- DD Form 2807-1
- DD Form 2808
- SF Form 507

5. On 5 September 2024, in the processing of this case the U.S. Army Human Resources Command, Chief, Army Service Center, provided an advisory opinion that included the updated DA Form 5016 for the applicant which shows 7 years, 9 months, and 17 days of creditable reserve retirement years and 646 cumulative retirement points.

6. On 6 September 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She 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 Human Resources Command's advising official and determined the evidence supports HRC's executed amended DA Form 5016 representing 7 years, 9 months, and 17 days of creditable reserve retirement years and 646 cumulative retirement points. No further action is required.

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 providing the applicant a copy of U.S. Army Human Resources Command's updated DA Form 5016 reflecting 7 years, 9 months, and 17 days of creditable reserve retirement years.

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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. 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. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, prescribes the types of training and activities or which retirement points are authorized and the procedures for recording retirement point credits and training for members of the USAR Soldiers.

a. 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 activities specified in this regulation.

b. 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. 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

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 IDT periods or ET, in any 1 calendar day. The Servicemember'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. One retirement point for members of the Selected Reserve after successfully completing non-resident training and education in an active status for each 4-hours of pay received.

//NOTHING FOLLOWS//