

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240003141

APPLICANT REQUESTS: Correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded four retirement points for duty and training for Retirement Year Ending (RYE) beginning on 11 June 2017 and ending on 10 June 2018.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)
- Memorandum, Subject: Letter of Lateness
- DA Form 5019 (Draft)

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 despite multiple attempts to fix this issue over the years, he was only made aware recently that he could petition the ABCMR for assistance. He lost access to many previous emails and documents during the transition from Microsoft Webmail to Army 365 in 2021, he assumed there was little chance of having his issue corrected. Although it has been more than three years since the error has occurred, his record of performance with the Army should speak for itself. While resolving the issue will ensure he and his family do not miss out on a service year towards retirement, he has at least five years of service remaining before he is eligible for retirement.

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

a. On 11 June 2004, the applicant was appointed as a Reserve commissioned officer and executed an oath of office. He was subsequently ordered to active duty.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 5 February 2012, shows he was honorably released from active duty and completed 7 years, 3 months, and 23 days of active service this period and was transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement).

c. On 6 February 2012, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

d. DA Form 5016 generated on 10 July 2024 shows:

- for the RYE 10 June 2018, the applicant earned 33 Inactive Duty Training (IDT) points and 15 membership points, totaling 48 total points creditable
- at the time the applicant completed 14 years of qualifying service for retirement

4. The applicant provides:

a. DA Form 1380 dated 21 December 2019 that shows the applicant completed Intermediate Level Education Training Phase 3 training/duty on the following dates:

- 20 April 2018; 4 hours; 1 point
- 3 May 2018; 4 hours; 1 point
- 9 May 2018; 4 hours; 1 point
- 15 May 2018; 4 hours; 1 point

b. A memorandum dated 21 August 2020 that states the applicant's DA Form 1380 was submitted late due to late notification of errors from the local Reserve Personnel Action Center.

c. A draft DA Form 5016 dated 4 March 2024 that shows the applicant had 48 creditable points for RYE 10 June 2018.

5. On 24 September 2024, Headquarters, U.S. Army Reserve Command, (USARC) STL, Military Services Office, provided an advisory opinion pertaining to the recalculation of retirement points for duty performed during RYE 10 June 2018. The applicant's documents were reviewed, and it was determined he should be awarded 4 retirement points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant tried multiple avenues, but the DA Form 1380 was not processed by the unit. A favorable decision by Army Review Boards Agency will correct this issue.

6. On 9 October 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

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 Board accepted the applicant's argument regarding his multiple attempts to resolve the retirement points discrepancy. The Board also reviewed and agreed with the USARC advisory official's determination that he should be awarded 4 retirement points based off AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant tried multiple avenues, but the DA Form 1380 was not processed by the unit. Therefore, the Board determined relief is warranted.

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 4 qualifying retirement points, based on submitted DA Form 1380 for 20 April, 3 May, 9 May, and 15 May 2018; for retirement points only, and provided all other criteria is met.

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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. 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 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 DODI 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 Reserve Component.

b. Paragraph 2-2, (Criteria for Earning Retirement Points) 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), AT, and IDT. Types of IDT are:

- regularly scheduled unit training includes 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 (Criteria for Awarding Retirement Points) 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

d. Paragraph 3-3 (DA Form 1380) provides that DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit after the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the months report. 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.

//NOTHING FOLLOWS//