

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 December 2024

DOCKET NUMBER: AR20240003283

APPLICANT REQUESTS:

- accreditation of her retirement points for duty performed in February 2010 and May 2010
- personal appearance before the Board

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) 26 February 2010 and DA Form 1380, 28 May 2012
- Defense Finance Accounting Service (DFAS) Case Management System Report (7 pages)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 September 2014
- Orders Number A-01-500462, 21 January 2015
- DD Form 827 (Application for Arrears in Pay) 9 March 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. She served in the United States Army Reserve (USAR) for approximately nine years before transitioning to Active Duty. During her time in USAR she noticed a specific error and was informed by the unit administrator the errors would be updated. During this period, she relocated approximately four hours away from her home unit to attend graduate school. Upon starting graduate school, she was authorized to complete rescheduled training (RST) via DA Forms 1380. A significant number of DA Forms 1380 were submitted and processed but a few remained unprocessed. She was preoccupied

with conducting research and maintaining contact with her unit to authorize future trainings and was unaware the documents were not processed. During her nine years in USAR she never reviewed a DA Form 5016 (Chronological Statement of Retirement Points), due solely to ignorance. In short, she needs to have her records updated to reflect completed training via DA Forms 1380. She completed and submitted supporting documentation for action and was advised since the DA Forms 1380 were 30 days past the date of origin one must follow-up with Army Review Board Agency (ARBA) to rectify.

b. The record represents an unjust action as she completed her contract to standard. She has advocated to have her records updated while in the USAR; at the time, she was fearful of engaging her leaders excessively after they had informed her it would be handled. The documents were submitted, and her unit administrator informed her the documents were processed. Although she received pay in the same period, it was unknowingly not for the DA Forms 1380 included in this document. Referencing one of the 1380s, it reflects "RST from surgery." She was previously shot in the face and required the bullet to be extracted from her face due to the chronic pain. After surgery, she required convalescent leave and was authorized the ability to RST. Since leaving the USAR, she has been referred to many different agencies for disposition and assistance. The USAR finance representatives have informed her that due to the lapse in time, they are not authorized to take action. She was then referred to Human Resources Command (AHRC) to obtain points only and was informed points only can be authorized after approval from ARBA. She is approaching twenty years and respectfully request the agency consider her plight.

2. A review of the applicant's official record shows the following:

a. She enlisted in the USAR on 11 September 2004 for 8 years and continued service through reenlistments and extensions.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she entered active duty this period on 6 July 2005 and was honorably released from the active duty for training on 10 November 2005 for completion of required active service.

c. DA Form 160-R (Application for Active Duty) dated 14 April 2014, shows she volunteered to enter active duty for 62 months.

d. Orders Number 49-2-A-170, dated 16 July 2014, issued by AHRC appointed her as a commissioned officer in the medical branch in the Regular Army and ordered her to active duty.

e. DD Form 368 (Request for Conditional Release), 3 September 2014, shows she requested and was granted a conditional release to enlist/be appointed in the Regular Army.

f. DD Form 214 shows the applicant entered active duty this period on 16 December 2013 and was honorably released from active duty on 30 September 2014, for completion of required active service.

g. On 21 January 2015, the applicant executed an oath of office.

h. Orders Number A-01-500462, dated 21 January 2015, issued by AHRC, ordered her to active duty to fulfill her active duty requirement in a voluntary indefinite status.

i. AHRC Form 249-E (Chronological Statement of Retirement Points), 10 February 2015, reflects 1,066 total points creditable retirement credits capitulated by AHRC for the time period the applicant was in the enlisted military class.

j. Memorandum, Subject: Service Computation, DA Form 1506 1LT LSW, 31 July 2015 (4 pages) shows the applicant submitted a request to have her basic active service date corrected and show 7 May 2013 as her proper date. The service computation submitted with the memorandum does not list the actual dates of all active duty but source documents from her service records were used to complete her service computation.

k. The applicant's Officer Record Brief shows her Pay Entry Base Date (PEBD) as 6 July 2005 and her date of rank to captain (CPT)/03 as 1 July 2017.

l. She remains on active duty in the Regular Army.

3. The applicant provides:

a. DA Form 1380, 28 May 2010 showing the applicant attended training for points on 26, 27, and 28 May 2010 for 8 hours each day totaling 6 retirement points and the form was endorsed by Second Lieutenant (2LT) DH as the officer having knowledge of the duties performed.

b. On 15 March 2024, a Defense Finance Accounting Service (DFAS) Case Management System Report (7 pages) was initiated and identify the applicant and a pay inquiry submission. The report displays communication between DFAS and a finance representative from the applicant's unit of assignment and states the servicemember is on active duty currently but is requesting payment on DD Form 1380 which is for Reserves/National Guard.

c. DA Form 1380, 26 February 2010 showing the applicant attended training for points on 24, 25, and 26 May 2010 for 8 hours each day totaling 6 retirement points and the form was endorsed by 2LT DH as the officer having knowledge of the duties performed.

d. DD Form 827 (Application for Arrears in Pay), 9 March 2024 was submitted by the applicant in order to receive pay which could not be supported by local documents. Section 7 contains facts and circumstances on which the applicant based her pay claim and submitted two DA Forms 1380 for processing however, they remained unprocessed and both components (Regular Army and USAR) referred her to each other for disposition.

e. Email correspondence with United States Army Reserve Command (USARC) and the applicant, provided updates to her retirement points inquiry, the USARC representative obtain information and also conducted discussions with DFAS for assistance and a resolution to the applicants request for retirement points.

4. On 6 November 2024, in the processing of this case the AHRC, Chief, Personnel Services Division, provided an advisory opinion and stated, AHRC reviewed the application and according to Army Regulation (AR) 140-185, para 3-3, Training and Retirement Point Credits and Unit Level Strength Accounting Records, requires that nonpaid Record of Individual Performance of Reserve Duty Training (DA Form 1380) must be sent to AHRC for the award of retirement points within 90 days of the duty being performed. The enclosed DA Forms 1380, prepared in 2010 for duty in February and May 2010, were not submitted on time. The unit of assignment should have submitted this duty for pay in 2010. The DA Form 1380 was not prepared or submitted in accordance with AR 140-185. The applicant's DA Form 5016 reflects 9 creditable years and 1,091 creditable points. The applicant must apply to the Army Board of Correction for Military Records (ABCMR) to adjudicate the retirement points. She can request the adjudication of her retirement points through the ABCMR. This office can only award retirement points with direction from the Army Review Boards Agency.




5. On 27 November 2024, the applicant was provided with a copy of the advisory opinion for commend or rebuttal. She responded on 19 December through email correspondence and stated, she is in receipt of correspondence relating to her case. She stated she was not at home when the notification arrived and she submitted additional matters and ask that it is forwarded for consideration, if not already.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the contested 1380s having an authenticated unit representative sign off on the duty, the Board concluded there was sufficient evidence to grant relief by awarding the applicant an additional 12 retirement points for duty performed on 24-28 May 2010.

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 Army records of the individual concerned be corrected by awarding the applicant an additional 12 retirement points for duty performed on 24-28 May 2010.

3/31/2025

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. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve Soldiers for active duty or duty in an active status for active duty for training (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.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- 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

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

3. Department of Defense Instructions 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 inactive duty training periods or equivalent training, in any 1 calendar day. The Service member'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.

4. Army Regulation 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 applicants 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//