

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240003427

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect:

- 14 additional retirement points in Retirement Year Ending (RYE) 13 May 2018
- 51 additional retirement points in RYE 13 May 2019
- 43 additional retirement points in RYE 13 May 2020

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) dated 25 October 2023 for duty performed in January 2018
- DA Form 1380 dated 25 October 2023 for duty performed in March 2018
- DA Form 1380 dated 25 October 2023 for duty performed in April 2018
- DA Form 1380 dated 25 October 2023 for duty performed in May 2018
- DA Form 1380 dated 25 October 2023 for duty performed in June 2018
- DA Form 1380 dated 25 October 2023 for duty performed in July 2018
- DA Form 1380 dated 25 October 2023 for duty performed in August 2018
- DA Form 1380 dated 25 October 2023 for duty performed in September 2018
- DA Form 1380 dated 25 October 2023 for duty performed in October 2018
- DA Form 1380 dated 25 October 2023 for duty performed in November 2018
- DA Form 1380 dated 25 October 2023 for duty performed in December 2018
- DA Form 1380 dated 25 October 2023 for duty performed in January 2019
- DA Form 1380 dated 25 October 2023 for duty performed in February 2019
- DA Form 1380 dated 25 October 2023 for duty performed in March 2019
- DA Form 1380 dated 25 October 2023 for duty performed in April 2019
- DA Form 1380 dated 25 October 2023 for duty performed in May 2019
- DA Form 1380 dated 25 October 2023 for duty performed in June 2019
- DA Form 1380 dated 25 October 2023 for duty performed in July 2019
- DA Form 1380 dated 25 October 2023 for duty performed in August 2019
- DA Form 1380 dated 25 October 2023 for duty performed in September 2019
- DA Form 1380 dated 25 October 2023 for duty performed in October 2019
- DA Form 1380 dated 25 October 2023 for duty performed in November 2019

- DA Form 1380 dated 25 October 2023 for duty performed in December 2019
- DA Form 1380 dated 25 October 2023 for duty performed in January 2020
- DA Form 1380 dated 25 October 2023 for duty performed in February 2020

**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 these additional retirement points are from the period of 2018 through 2022 when he was a company commander which he held for 48-months. The DA Form 1380 reflect the time in which he participated in weekly conference calls with his battalion that were in excess of 4-hours where each company had to brief the battalion command team. The policy regarding the submission for non-paid retirement points was provided to the subordinate units; however, he was not present at the time of the dissemination. After failed attempts to submit his DA Forms 1380 with unclear guidance, he retained the documents for his records. He later attempted to resubmit the DA Forms 1380, but they were outdated. So, he contacted the Soldier who was his first sergeant at the time of the duty and he agreed to resign the documents for him. Since the duty was more than 6-months from the time of submission, he was advised by the U.S. Army Reserve Command (USARC) G1 to submit his request to the Army Review Boards Agency (ARBA) for correction of his records.
3. A review of the applicant's service record shows:
  - a. With prior cadet service, the applicant executed his oath of office on 14 May 2014 and was appointed as a Reserve commissioned officer.
  - b. On 2 June 2014, Orders Number C-06-407721, issued by the U.S. Army Human Resources Command (AHRC), the applicant was assigned to the U.S. Army Reserve, effective 14 May 2014.
  - c. On 20 March 2023, Orders Number UN-079-0002, issued by Headquarters (HQs), 4th Sustainment Command (Expeditionary), the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), to report to his home station on 13 July 2023.
  - d. On 22 June 2024, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 11-months and 10-days of active service.

e. DA Form 5016 (Chronological Statement of Retirement Points) now known as the Retirement Accounting Statement) from the applicant's Soldier Management Services - WEB Portal shows he obtained in RYE:

- 13 May 2018 – 49 Inactive Duty Training (IDT) points, 15 membership points, and 20 Active Duty Training (ADT) points for a total of 84 creditable points
- 13 May 2019 – 44 IDT points, 15 membership points, and 17 ADT points for a total of 76 creditable points
- 13 May 2020 – 42 IDT points, 15 membership points, and 12 ADT points for a total of 69 creditable points

f. The retirement points detail from Soldier Management Services - WEB Portal shows the applicant was awarded:

- 2 inactive duty points on 15 March 2018 for the performance of IDT
- 6 active duty points for the period of 17 through 22 June 2018 for the performance of annual training ADT
- 3 active duty points for the period of 4 through 6 April 2019 for the performance of annual training ADT
- 4 active duty points for the period of 11 through 14 April 2019 for the performance of annual training ADT
- 5 active duty points for the period of 1 through 5 August 2019 for the performance of annual training ADT

4. The applicant provides:

a. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 4 January 2018
- 11 January 2018
- 18 January 2018
- 25 January 2018

b. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 1 March 2018
- 8 March 2018
- 15 March 2018

- 22 March 2018

c. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 4 April 2018
- 12 April 2018
- 19 April 2018
- 26 April 2018

d. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement points for each day on:

- 3 May 2018
- 10 May 2018
- 17 May 2018
- 24 May 2018
- 31 May 2018

e. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 7 June 2018
- 14 June 2018
- 21 June 2018
- 28 June 2018

f. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 6 July 2018
- 12 July 2018
- 19 July 2018
- 26 July 2018

g. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 2 August 2018
- 9 August 2018
- 16 August 2018
- 23 August 2018
- 30 August 2018

h. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 6 September 2018
- 13 September 2018
- 20 September 2018
- 27 September 2018

i. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 4 October 2018
- 11 October 2018
- 18 October 2018
- 25 October 2018

j. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 1 November 2018
- 8 November 2018
- 15 November 2018
- 20 November 2018
- 29 November 2018

k. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 6 December 2018
- 13 December 2018
- 20 December 2018
- 27 December 2018

I. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 3 January 2019
- 10 January 2019
- 17 January 2019
- 24 January 2019

m. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 7 February 2019
- 14 February 2019
- 21 February 2019
- 28 February 2019

n. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 7 March 2019
- 14 March 2019
- 21 March 2019
- 28 March 2019

o. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 4 April 2019
- 11 April 2019
- 18 April 2019
- 25 April 2019

p. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 2 May 2019
- 9 May 2019

- 16 May 2019
- 23 May 2019
- 30 May 2019

q. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 6 June 2019
- 13 June 2019
- 20 June 2019
- 27 June 2019

r. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 3 July 2019
- 11 July 2019
- 18 July 2019
- 25 July 2019

s. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 1 August 2019
- 8 August 2019
- 15 August 2019
- 22 August 2019
- 29 August 2019

t. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 5 September 2019
- 12 September 2019
- 19 September 2019
- 26 September 2019

u. DA Form 1380 dated 25 October 2023 which shows the applicant performed

4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 3 October 2019
- 10 October 2019
- 17 October 2019
- 24 October 2019
- 29 October 2019

v. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 7 November 2019
- 14 November 2019
- 21 November 2019
- 26 November 2019

w. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 5 December 2019
- 12 December 2019
- 19 December 2019
- 27 December 2019

x. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 3 January 2020
- 9 January 2020
- 16 January 2020
- 23 January 2020
- 30 January 2020

y. DA Form 1380 dated 25 October 2023 which shows the applicant performed 4-hours of duty performing conference calls to discuss the unit training assembly weekend and upcoming training events for 1 non-paid retirement point for each day on:

- 6 February 2020

- 13 February 2020
- 20 February 2020
- 27 February 2020

All DA Forms 1380 were digitally signed by Master Sergeant D-D- on 14 November 2023 as the officer who had knowledge of the duty performed.

5. On 1 November 2024, in the processing of this case, the HQs, USARC provided an advisory opinion regarding the applicant request for the correction of his DA Form 5016. The advisory official stated a review of the applicant's documents determined he should not be awarded additional points. He did not submit his DA Forms 1380 in a timely manner. The regulation clearly states they must be submitted within 30-days of the performance of the duty. He waited over 6-years to submit a request for retirement points for multiple years. There was no substantiating documentation which had shown his multiple attempts and the reason for the delays.

6. On 13 November 2024, the ARBA Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

**BOARD DISCUSSION:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board noted the applicant's contention that he completed the training; however, the Board reviewed and concurred with the U.S. Army Reserve Command's advising official finding the applicant waited over 6 years to submit his request for retirement points spanning over multiple years. The Board concluded relief was not warranted.

BOARD VOTE:

Mbr 1   Mbr 2   Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
			DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/8/2025

 

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. Army Regulation (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).
  - a. Paragraph 3-11 (Equivalent Training (ET)), ET is performed in lieu of scheduled training (either Rescheduled Training (RST) or, Unit Training Assembly (UTA) or Multiple Unit Training Assembly (MUTA)). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.
  - b. Paragraph 3-14 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.
3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.
  - a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. IDT will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

b. 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 training of individual Soldier in a non-pay status.

c. 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. Soldiers are authorized a maximum of one medical and one dental physical health assessment for 4-hour periods per fiscal year unless follow-ups are authorized at the need of the Army due to further medical screening per AR 40-501.

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

d. Table 2-1 (Award of IDT retirement points) rule 10; performs staff and administrative duties as additional training for points only in support of Troop Program Unit activities as a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule except for UTA/MUTA, RST, ET, make up assemblies or ATA.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid 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.

f. 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. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

4. 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 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.

//NOTHING FOLLOWS//