

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 January 2025

DOCKET NUMBER: AR20240003442

APPLICANT REQUESTS: in effect, correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded retirement points for duty and training for Retirement Year Ending (RYE) beginning on 14 November 2022 and ending on 29 August 2023.

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)
- Email Correspondence

FACTS:

1. The applicant states he submitted a DA Form 1380 for points on 10 September 2023, but due to an administrative oversight it was not processed in time. On 20 March 2024, he received an email informing him to process the DA Form 1380 he would need to submit it to the Board.

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

a. On 30 August 2016, he executed an oath of office as a commissioned officer in the U.S. Army Reserve (USAR). Subsequently, he was appointed as a Reserve Commissioned Officer of the Army on 6 September 2016.

b. On 9 September 2016, Orders Number T-09-608287, issued by the U.S. Army Human Resources Command (AHRC) ordered him to Active Duty for Training (ADT), effective 2 October 2016.

c. He was honorably released from ADT on 10 February 2017. He completed 4 months and 9 days of net active service.

d. Orders Number HR-9022-00015, issued by AHRC ordered him to active duty for operational support on 16 February 2019.

e. He was honorably released from active duty on 30 September 2020. He completed 1 year, 7 months, and 15 days of net active service.

f. DA Form 5016 dated 28 September 2024 shows for the RYE 29 August 2023 he earned 47 inactive duty training points, 12 membership points, and 9 active duty training points for a total of 68 creditable points.

3. The applicant provides:

a. DA Form 1380 dated 29 July 2023 that shows he performed duty on 11, 18, and 29 July 2023, for a total of 20 hours, for 5 retirement points. The form was digitally endorsed on 5 September 2023 by the Commander of Headquarters and Headquarters Company, 358th Civil Affairs Brigade.

b. Email correspondence dated 20 March 2024, from a Military Personnel and Administrative Specialist, that instructs the applicant to submit his DA Form 1380 to the Board since the Readiness Division cannot process an action that is more than six months out from the date of submission.

4. On 1 November 2024, Headquarters, U.S. Army Reserve Command, (USARC) STL, Military Services Office, provided an advisory opinion pertaining to retirement points credit. USARC reviewed the applicant's documents and determined he should be awarded five retirement points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The applicant performed the duty, but his unit failed to submit in a timely manner. A favorable opinion by the Board will allow the Readiness Division to update his record. USARC recommends full administrative relief be granted.

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

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's request, available military records and Headquarters, U.S. Army Reserve Command (USARC) St. Louis Military Service Office advisory opinion, the Board concurred with the advising official's recommendation that the applicant be awarded five retirement points in accordance with Army Regulation (AR) 140-185, which governs Training and Retirement Point Credits and Unit Level Strength Accounting Records. The advisory opinion confirmed that the applicant

performed qualifying duty on 11, 18, and 29 July 2023, as documented on a DA Form 1380 endorsed by his unit commander. However, due to administrative oversight, the unit failed to submit the form within the required timeframe, preventing the Readiness Division from processing the points through standard channels.

2. The Board found the applicant’s DA Form 5016 dated 28 September 2024 shows a total of 68 creditable points for the Retirement Year Ending (RYE) 29 August 2023, excluding the five points in question. The Board agreed the applicant’s documentation is credible and that the delay in submission was not due to any fault of the applicant. Based on the totality of evidence and the clear recommendation from USARC, the Board granted relief for correction of the applicant’s record to reflect the award of five additional retirement points for the RYE 29 August 2023.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 to show the applicant should be awarded five (5) additional retirement points for the RYE 29 August 2023.

X //SIGNED//

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.

REFERENCE

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.

a. 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

b. 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
- 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 Battle Assemblies (BA) per fiscal year. Soldiers must perform RST within 60 days of the missed BA

c. 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 AHRC for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//