

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2025

DOCKET NUMBER: AR20240004530

APPLICANT REQUESTS:

- continuous service with pay and allowances for the period of 16 May through 30 September 2022
- full Basic Allowance for Housing (BAH) versus BAH Type II (BAH-Reserve Component (RC))
- 11.5-days leave for continuous service for the period of 16 May through 30 September 2022
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- 81st Readiness Division (RD) Orders Number 024370
- 81st RD Orders Number 026191
- 81st RD Orders Number 079204
- 81st RD Orders Number 079205
- 81st RD Orders Number 079206
- 81st RD Orders Number 098072
- 81st RD Orders Number 100517
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- 81st RD Orders Number 100526
- 81st RD Orders Number 100527
- 81st RD Orders Number 100528
- 81st RD Orders Number 100529
- 81st RD Orders Number 100550

- Fiscal Year 2022 (FY22) Existing Orders Report
- FY22 Tour History Report

**FACTS:**

1. The applicant states during FY22 in the height of the Coronavirus his battalion (BN) had a severe manpower shortage of full time personnel during the drill sergeant Annual Training (AT) season. He agreed with his chain of command to fill the position on orders to cover the duties for the BN S1 and S3. On 16 May 2022, he began performing the expected duties Monday through Friday; however, there were numerous requirements to work evenings, weekends and holidays with no days off even though he was not paid for all the days he worked. He originally requested continuous orders, knowing the responsibilities of the position would require for him to work on weekends and outside normal duty hours. He was told by his command; this would not be approved by the higher headquarters. He did not realize until after the duty was performed, this was in violation of the Chief of the Army Reserve policy which stated orders should not be broken up during the duration of a mission or project. That they should be continuous. Therefore, he requests for continuous service for the period of 16 May through 30 September 2022 and change his BAH from BAH Type II (BAH-RC) to full BAH and the accrual of leave for this period of 11.5-days.

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

- a. With prior U.S. Army Reserve (USAR) enlisted service, on 27 November 2019, the applicant executed his oath of office and was appointed a Reserve warrant officer in the rank of warrant officer one (WO1).
- b. On 27 November 2019, Orders Number 331-410, issued by Headquarters, U.S. Army Garrison, Fort Rucker, the applicant was appointed as a Warrant Officer One, effective 27 November 2019 and assigned to a USAR Troop Program Unit.

c. DA Form 5016 (Retirement Accounting Statement) dated 10 January 2023 shows:

(1) Retirement Year Ending (RYE) 13 November 2022 the applicant was awarded 49 inactive duty points, 14 membership points and 99 active duty points for a total of 162 creditable points.

(2) RYE 11 December 2022 the applicant was awarded zero inactive duty points, 1 membership points and 2 active duty points for a total of 3 creditable points.

(3) The applicant's RYE was split due to the transition from the legacy system to the Integrated Personnel Pay System-Army for the Human Resources system of records.

(4) The annual detail supplement of the Retirement Accounting Statement shows for the period of:

- 2 through 6 May 2022, the applicant earned 5 points for Active Duty Training (ADT) for which he received pay
- 11 through 14 May 2022, the applicant earned 4 points for ADT for which he received pay
- 16 through 20 May 2022, the applicant earned 5 points for ADT for which he received pay
- 23 through 27 May 2022, the applicant earned 5 points for ADT for which he received pay
- 1 June 2022, the applicant earned 1 point for Inactive Duty Training (IDT) for which he received pay
- 4 June 2022, the applicant earned 2 points for IDT for which he received pay
- 5 June 2022, the applicant earned 2 points for IDT for which he received pay
- 7 June 2022, the applicant earned 2 points for IDT for which he received pay
- 9 June 2022, the applicant earned 2 points for IDT for which he received pay
- 10 June 2022, the applicant earned 1 point for IDT for which he received pay
- 13 through 17 June 2022, the applicant earned 5 points for ADT for which he received pay
- 20 through 24 June 2022, the applicant earned 5 points for ADT for which he received pay
- 27 June through 1 July 2022, the applicant earned 5 points for ADT for which he received pay
- 4 through 8 July 2022, the applicant earned 5 points for ADT for which he received pay
- 10 through 15 July 2022, the applicant earned 6 points for ADT for which he received pay
- 18 through 22 July 2022, the applicant earned 5 points for ADT for which he received pay
- 25 through 29 July 2022, the applicant earned 5 points for ADT for which he received pay

- 1 through 5 August 2022, the applicant earned 5 points for ADT for which he received pay
- 6 August 2023, the applicant earned 2 points for IDT for which he received pay
- 7 August 2022, the applicant earned 2 points for IDT for which he received pay
- 8 through 12 August 2022, the applicant earned 5 points for ADT for which he received pay
- 15 through 19 August 2022, the applicant earned 5 points for ADT for which he received pay
- 22 through 26 August 2022, the applicant earned 5 points for ADT for which he received pay
- 29 August through 2 September 2022, the applicant earned 5 points for ADT for which he received pay
- 5 through 9 September 2022, the applicant earned 5 points for ADT for which he received pay
- 12 through 15 September 2022, the applicant earned 4 points for ADT for which he received pay
- 16 September 2022, the applicant earned 2 points for IDT for which he received pay
- 17 September 2022, the applicant earned 2 points for IDT for which he received pay
- 18 September 2022, the applicant earned 2 points for IDT for which he received pay
- 19 through 23 September 2022, the applicant earned 4 points for ADT for which he received pay
- 26 through 30 September 2022, the applicant earned 5 points for ADT for which he received pay

d. Retirement Point Detail from Soldier Management Services - WEB Portal (SMS WEB) shows during the period of May through September 2022, the applicant was awarded retirement points for duty on the dates identified above.

3. The applicant provides:

a. 81st RD Orders Number 024370 dated 23 December 2021 which shows the applicant was ordered to AT, effective 21 March 2022, for a period of 4-days at Fort Sill, OK for Integrated Personnel and Pay System-Army Training. The duty was outside commute distance from his Home of Record (HOR). The orders provided were not certified to shows the duty was performed.

b. 81st RD Orders Number 026191 dated 30 December 2021 which shows the applicant was ordered to AT, effective 1 August 2022, for a period of

10-days at Buffalo, NY for BN S1 and S3 operations. The duty was inside commute distance from his HOR. The orders provided were not certified to shows the duty was performed.

c. 81st RD Orders Number 079204 dated 27 April 2022 which shows the applicant was ordered to AT, effective 2 May 2022, for a period of 5-days at Buffalo, NY for BN S3 support. The duty was inside commute distance from his HOR. The orders provided were not certified to shows the duty was performed.

d. 81st RD Orders Number 079205 dated 27 April 2022 which shows the applicant was ordered to AT, effective 16 May 2022, for a period of 5-days at Buffalo, NY for BN S3 support. The duty was inside commute distance from his HOR. The orders provided were not certified to shows the duty was performed.

e. 81st RD Orders Number 079206 dated 27 April 2022 which shows the applicant was ordered to AT, effective 23 May 2022, for 5-days at Buffalo, NY for BN S3 support. The duty was inside commute distance from his HOR. The orders provided were not certified to shows the duty was performed.

f. 81st RD Orders Number 098072 dated 6 June 2022 which shows the applicant was ordered to ADT, effective 13 June 2022, for 5-days at Buffalo, NY for training and support - Other Training Duty (OTD) BN S3 support.

g. 81st RD Orders Number 100517 dated 10 June 2022 which shows the applicant was ordered to Active Duty Operational Support – RC (ADOS-RC), effective 4 July 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.

h. 81st RD Orders Number 100518 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 11 July 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.

i. 81st RD Orders Number 100519 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 18 July 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.

j. 81st RD Orders Number 100520 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 25 July 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.

k. 81st RD Orders Number 100521 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 1 August 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.

- I. 81st RD Orders Number 100522 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 8 August 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- m. 81st RD Orders Number 100523 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 15 August 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- n. 81st RD Orders Number 100524 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 22 August 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- o. 81st RD Orders Number 100525 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 29 August 2022, for 5-days for ADOS BN S3 support.
- p. 81st RD Orders Number 100526 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 5 September 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- q. 81st RD Orders Number 100527 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 12 September 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- r. 81st RD Orders Number 100528 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 19 September 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- s. 81st RD Orders Number 100529 dated 10 June 2022 which shows the applicant was ordered to ADOS-RC, effective 26 September 2022, for 5-days at Buffalo, NY for ADOS BN S3 support.
- t. 81st RD Orders Number 100550 dated 10 June 2022 which shows the applicant was ordered to AT, effective 27 June 2022, for 5-days at Buffalo, NY for BN S3 support.
- u. Fiscal Year 2022 (FY22) Existing Orders Report shows orders which were generated in FY22 for the applicant. The report is available for the Boards review in the supporting documents.
- v. FY22 Tour History Report shows the applicant had 29-days of AT orders, 65-days of ADOS-RC orders, 5-days of ADT orders. The report is available for the Boards review in the supporting documents.

4. On 6 January 2025, in the processing of this case, the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for full BAH. The advisory official recommended disapproval of his request. Defense Finance and Accounting Service records shows the applicant completed ADT for the periods of:

- 16 through 20 May 2022
- 20 through 24 June 2022
- 18 through 22 July 2022
- 25 through 29 July 2022
- 15 through 19 August 2022
- 19 through 23 September 2022

Since he was on active duty for less than 30-days during each tour, the Department of Defense (DoD) policy in the DoD Financial Management Regulation 7000.14-R mandates that he was authorized to received BAH – RC, a non-locality based housing allowance.

Army Regulation (AR) 135-200 (Active Duty for Operational Support (ADOS)) states Reserve component Soldier called to active duty on ADOS orders complete their assignment while on the orders. The active duty tour is not broken into different times; rather , the tour is one continuous period until the Solider is released from active duty.

5. On 7 January 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and/or comment.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not 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. Upon review of the applicant's petition and available military records, the Board determined the applicant entered active duty for training as a member of the U.S. Army Reserve (USAR) for the periods 16 to 20 May 2022, 20 to 24 June 2022, 18 to 22 July 2022, 25 to 29 July 2022, 15 to 19 August 2022, and from 19 to 23 September 2022.

a. Continuous service with pay and allowances for the period of 16 May through 30 September 2022. Deny. The Board determined that each order was separate and distinct from the other and since the applicant was not on a continuous order, that continuous pay and allowances were not authorized for the period 16 May through 30 September 2022.

b. Full Basic Allowance for Housing (BAH) versus BAH Type II (BAH-Reserve Component (RC)). Deny. The Board determined the applicant served on several different active duty for training order periods, each lasting less than 30 days in total and therefore, he was not entitled to fully BAH for that time period.

c. 11.5-days leave for continuous service for the period of 16 May through 30 September 2022. Deny. The Board determined the applicant served on several different active duty for training periods, each lasting less than 30 days in total and therefore, he was not entitled to accrued leave for that time period.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

**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.

5/12/2025

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. AR 15-185 (Army Board for Correction of Military Records (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.
2. AR 135-200 (Army National Guard (ARNG) and Reserve – Active Duty for Missions, Projects and Training for Reserve Component Soldiers) in effect at the time, prescribes policies and procedures for ordering ARNG, Army National Guard of the United States (ARNGUS), and U.S. Army Reserve (USAR) Soldiers to other training duty (OTD), AT, initial active duty for training (IADT), ADOS-RC, active duty for operational support-Active Component (ADOS-AC), contingency operations-active duty operational support (CO-ADOS), administrative-active duty for operational support (ADMIN-ADOS), operational active duty for operational support (OP-ADOS) and full-time National Guard duty for operational support (FTNGD-OS).
  - a. Paragraph 6-1c, the purpose of ADOS is to provide the necessary skilled manpower assets to support existing or emerging requirements. Following are the types of ADOS: (1) ADOS in support of the RCs is known as ADOS-RC. ADOS-RC is paid from RPA or NGPA funds. Tour lengths will not include travel time and will not begin or end on a Saturday (unless reporting to continental United States Replacement Center), Sunday, or holiday unless justified with the request.
  - b. Paragraph 6-2 (Status while on active duty for operational support), Soldiers performing ADOS will not attend IDT or AT with their unit of assignment (see DODI 1215.06).
  - c. Paragraph 6-26, a. ADOS-RC is authorized for RC Soldiers supporting RC operational missions above and beyond the RC unit's normal mission (such as exercises, projects, conferences, and so forth). These are limited to non-contingency missions. b. ADOS-RC will not be used:
    - as a career accession program
    - long-term staff augmentation or to evade manpower ceilings
    - task or mission within peacetime duties of military or civilian personnel attending long-term schools or long-term hospitalization
    - mode of training, to include attendance at professional development training courses

d. Paragraph 6-27 (Proper use of active duty for operational support-Reserve Component tours), full-time staffing shortfalls and command and control duties are not justifiable reasons for ADOS-RC requests. USAR leadership-civilian and military-ensure that ADOS-RC tour requests and duties performed are consistent with established guidance and regulations. The ADOS-RC duty period must cover the entire duration of the project or training, including weekends and holidays. An ETP is required to backdate an ADOS-RC order. Requests are submitted through the G-1 office for USARC to the DCS, G-1 for consideration. ADOS-RC funds will not be used to fund duty that meets the requirements for OTD. Soldiers are not authorized to participate in battle assembly or AT with the parent unit while performing ADOS-RC duty with another unit or headquarters.

3. Department of Defense Financial Management Regulation 7000.14-R, Volume 7a (Military Pay), chapter 26 (Basic Allowance for Housing (BAH)), Basic Allowance for Housing (BAH) Entitlements. Effective January 1, 1998, in general, BAH provides members a monthly allowance for housing. This allowance is authorized for members with and without dependents. Basic Allowance for Housing is intended to pay only a portion of housing costs. Basic Allowance for Housing will consist of BAH, BAH-II, BAH Difference (BAH-DIFF), Partial BAH, Overseas Housing Allowance (OHA), and Family Separation Housing (FSH). Basic Allowance for Housing is payable to members on active duty and will vary according to the grade in which serving or appointed for basic pay purposes, dependency status, and the permanent duty station (PDS) assigned. Basic Allowance for Housing II rates are established by the Secretary of Defense and are determined and set forth in paragraph 260107. Basic Allowance for Housing II is the housing allowance entitlement for members not specifically entitled to full BAH in some cases. The Secretary of Defense (SECDEF) determines the costs of adequate housing in a Military Housing Area (MHA) for all members of the Uniformed Services entitled to BAH by location. The determination for housing allowances is based upon the costs of adequate rental housing for civilians with comparable income levels in the same area. 2. An adjustment in the rates of BAH as a result of the SECDEF's redetermination of housing costs in a MHA shall take effect with the pay raise each year. 3. The amount paid for BAH the preceding year is adjusted to reflect changes during the year. This process accounts for the number of members, grade distribution, geographic distribution, base closures, unit/command movements, and dependency status of members of the uniformed services entitled to the allowance from the number of such members during the preceding year.

a. Paragraph 260203 (Reserve Component Members), Duration of Orders; Reserve Component members called or ordered to active duty for 13- days or less are entitled to BAH-II, except as provided in subparagraph B below. However, if the member receives an order modification or extension of assignment, the prospective (new) period of active duty must be 140-days or more and BAH would start on the date of modification. Members called or ordered to active duty for 140-days or more are

entitled to BAH. Do not add periods of active duty previously served to obtain the 140 day requirement. See Table 26-11 and Chapter 57. Contingency Operations. When a Reserve Component member is called or ordered to active duty in support of a contingency operation and receives Permanent Change of Station (PCS) authorized transportation of household goods orders, BAH will be paid on the new station. However, if the member is called or ordered to active duty and PCS orders are not issued, BAH rate will be based (paid) on primary residence rate at the time of call or order. For members of the Reserve Components without dependents called to active duty, see Chapter 57, paragraph 570502.E. The Secretary concerned shall issue regulations for the administration of the payment of BAH during contingency operations

b. Table 26-11 (Date to Start BAH - Reserve Components)

Rule 1- if member is called or ordered to active duty for 140-days or more; then the BAH rate payable is the location from which they are called or ordered to active duty beginning on the day the member is entitled to BAH. (See notes 1 and 2)

Rule 2 – if member is called or ordered to active duty (other than for training for 140-days or more away from the principle place of residence at the time called or ordered to active duty, but not authorized transportation of household good (in orders); then the BAH rate payable is the principle place of residence beginning on the day the member is entitled to BAH. (See note 1)

NOTES:

1. The member must be ordered to active duty "at one location" for 140-days or more. Therefore, members that do not meet the 140-days in one location will be paid BAH II.
2. The initial rate will terminate on the day before the day the member reports at the duty location prescribed in the active duty orders. Entitlement to BAH at the rate prescribed for the PDS location begins on the day the member reports to that location.

c. Chapter 57 (Reserve Entitlements for Active Duty (AD)), establishes the policy guidance pertaining to reserve entitlements for AD. A member of a RC serving on AD with pay is entitled to receive pay according to the member's years of service and the grade in which the member is serving. An RC member may, with the member's consent, be ordered to AD without pay when authorized by the Secretary of the Military Department concerned. An RC member cannot be paid inactive duty pay on any day that the member is entitled to AD pay. An RC member who serves on AD with pay for periods of 30 consecutive days or more accrues leave at the rate of 2.5 calendar days for each month of AD, excluding periods of:

- absence from duty without leave;

- absence over leave; or
- confinement, as a result of a court-martial

The member is entitled to lump-sum settlement of unused accrued leave upon completion of a tour. When consecutive tours are involved, a member may be reimbursed for unused accrued leave or it may be carried forward, at the member's option, until completion of the final tour. When computing the length of a period of AD, include allowable travel time.

4. U. S. Army Reserve Command Memorandum dated 5 July 2022, Subject: Commanding General Policy Number 22-02: Active Duty for Operational Support – Reserve Component (ADOS-RC) and Other Training Duty (OTD) provides ADOS-RC and OTD standards, requirements and procedures. ADOS-RC is utilized for temporary projects or approved missions in support of the Army Reserve. Full time staffing shortfall and command and control duties are not justifiable reasons for ADOS-RC requests. Army Reserve leaders will ensure ADOS-RC mission requests and duties performed are consistent with established guidance and regulations. ADOS-RC duty period must cover the entire duration of the project or training including weekends and holidays.

//NOTHING FOLLOWS//