

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240004604

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded 50 additional retirement points for duty and training for Retirement Year Ending (RYE) 30 May 2022 and 68 additional retirement points for duty and training for RYE 13 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- 11 DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Email correspondence
- Personnel Action Request

FACTS:

1. The applicant states while serving as the Brigade Deputy Commander of the 97th Training Brigade, he performed numerous duties outside of a pay status for which he submitted DA Forms 1380 for points no pay. This occurred after his brigade lost their SSA and two Active Guard/Reserve (AGR) personnel without backfill for a period of about 10 months. These DA Forms 1380 were signed by the Headquarters and Headquarters Company Commander and forwarded to 88th Readiness Division for processing; however, these were never actioned by 88th Readiness Division. According to his S-1 the old DA Forms 1380 cannot be actioned due to the change to the Integrated Personnel and Pay System-Army. He is requesting a total of 118 points, all of which are from fiscal year 2022. Based on his RYE date of 30 May 2022, 50 of these points belong in his RYE 30 May 2022; the remaining 68 points belong in RYE 30 May 2023. These duties occurred while the unit was still being affected and attempting to recover from the COVID-19 national emergency, when virtual battle assembly was authorized.

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

a. On 1 October 2008 he was appointed as a Reserve Commissioned Officer of the Army for an indefinite term and executed an oath of office on DA Form 71 (Oath of Office – Military Personnel) the same day.

b. On 25 September 2023, he was issued a memorandum which notified him that he had completed the required number of years to qualify for a non-regular retirement.

c. His DA Form 5016 dated 29 June 2024 shows for:

- RYE 30 May 2022 he earned 81 Inactive Duty Training (IDT) points, 15 membership points, and 44 active duty points, totaling 140 creditable points
- RYE 13 November 2022 he earned 30 IDT points, 7 membership points, and 7 active duty points, totaling 44 creditable points

3. The applicant provides:

a. 11 DA Forms 1380 that show the applicant completed training on the following dates:

- 1 – 5 March 2022; 20 hours; 5 retirement points
- 7 – 10 March 2022; 16 hours; 4 retirement points
- 14 – 19 March 2022; 24 hours; 6 retirement points
- 21 – 24 March 2022; 16 hours; 4 retirement points
- 28 – 31 March 2022; 16 hours; 4 retirement points
- 1 – 2 April 2022; 8 hours; 2 retirement points
- 11 – 16 April 2022; 24 hours; 6 retirement points
- 18 – 27 April 2022; 40 hours; 10 retirement points
- 4 – 6 May 2022; 12 hours; 3 retirement points
- 10 – 11 May 2022; 8 hours; 2 retirement points
- 17 May 2022; 4 hours; 1 retirement point
- 19 May 2022; 4 hours; 1 retirement points
- 25 – 26 May 2022; 8 hours; 2 retirement points
- 1 – 9 June 2022; 36 hours; 9 retirement points
- 13 – 17 June 2022; 20 hours; 5 retirement points
- 20 – 24 June 2022; 20 hours; 5 retirement points
- 26 – 30 June 2022; 20 hours; 5 retirement points
- 1 – 3 July 2022; 12 hours; 3 retirement points
- 5 – 9 July 2022; 20 hours; 5 retirement points
- 13 – 14 July 2022; 8 hours; 2 retirement points
- 16 – 25 July 2022; 40 hours; 10 retirement points
- 29 – 31 July 2022; 12 hours; 3 retirement points
- 1 – 5 August 2022; 20 hours; 5 retirement points

- 8 – 12 August 2022; 20 hours; 5 retirement points
- 14 – 19 August 2022; 24 hours; 6 retirement points
- 22 August 2022; 4 hours; 1 retirement point
- 24 – 25 August 2022; 8 hours; 2 retirement points
- 27 – 28 August 2022; 8 hours; 2 retirement points

b. Email correspondence between the applicant and the 97th Training Brigade Army Reserve Administrator on 6 November 2022 in regard to some DA Forms 1380 that were not processed. The Army Reserve Administrator forwarded the applicant's request to the 88th Readiness Division's G-1 organizational email and states that he was not sure if he submitted those particular DA Forms 1380 to the U.S. Army Human Resources Command before the change to the Readiness Division and to please process.

c. A Personnel Action Request dated 22 April 2023 pertaining to his unsubmitted DA Forms 1380 from March through August 2022. His request was disapproved, and he was advised to send a request to the Army Review Boards Agency (ARBA).

4. On 9 December 2024, Headquarters, USAR Command (USARC), Retirement Services Officer, provided an advisory opinion pertaining to retirement points credit.

a. USARC reviewed the applicant's documents and determined he should be awarded 46 retirement points in accordance with Army Regulation (AR) 140-185 for the period 31 February 2022 –30 May 2023. The Soldier performed the duty, but the DA Forms 1380 were not processed by the unit in a timely manner. No more than 130 points can be awarded per Anniversary Year Ending.

b. No DA Forms 1380 were submitted for 2018 or 2019 and therefore no points can be awarded.

c. Partial administrative relief granted.

5. On 10 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. He responded on 6 January 2025 and stated:

a. He received notification from ARBA on USARC's opinion that he be granted a total of 46 retirement points for the period 31 February 2022 -30 May 2023. While USARC accepted his assertion that he performed duty but DA Forms 1380 were not processed by his unit in a timely manner, their proposed remedy is inadequate.

b. He disputes the number of points that should be awarded, and the timeframe for which they should be awarded.

c. All DA Forms 1380 provided in this case reference the period from February through August 2022. He is unclear why USARC proposed awarding points for dates in fiscal year 2023. For clarity, there were 11 separate DA Forms 1380 submitted. Based on USARC's response, they may not have reviewed all of the attachments.

d. The DA Forms 1380 he submitted with his case document 118 retirement points. Based on his RYE of 30 May, those points should be distributed as follows:

- February 2022 – 30 May 2022: 50 points
- 31 May 2022 – September 2022: 68 points

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 provided DA Form 1380s being all and approved by appropriate agency personnel and the finding outlined in the USARC advisory stating the applicant performed the duty, the Board concluded there was sufficient evidence of an error or injustice to award 50 additional retirement points for duty and training for Retirement Year Ending (RYE) 30 May 2022 and 68 additional retirement points for duty and training for RYE 13 November 2022

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 Army records of the individual concerned be corrected by awarding retirement points for the below dates:

- 1 – 5 March 2022; 20 hours; 5 retirement points
- 7 – 10 March 2022; 16 hours; 4 retirement points
- 14 – 19 March 2022; 24 hours; 6 retirement points
- 21 – 24 March 2022; 16 hours; 4 retirement points
- 28 – 31 March 2022; 16 hours; 4 retirement points
- 1 – 2 April 2022; 8 hours; 2 retirement points
- 11 – 16 April 2022; 24 hours; 6 retirement points
- 18 – 27 April 2022; 40 hours; 10 retirement points
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- 13 – 17 June 2022; 20 hours; 5 retirement points
- 20 – 24 June 2022; 20 hours; 5 retirement points
- 26 – 30 June 2022; 20 hours; 5 retirement points
- 1 – 3 July 2022; 12 hours; 3 retirement points
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- 1 – 5 August 2022; 20 hours; 5 retirement points
- 8 – 12 August 2022; 20 hours; 5 retirement points
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- 24 – 25 August 2022; 8 hours; 2 retirement points
- 27 – 28 August 2022; 8 hours; 2 retirement points

**//SIGNED//**

**X**

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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 Accounting Records) states, 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.

a. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one (1) retirement point or 8 hours in length for two (2) retirement points. Retirement points credited for activities other than active service or funeral honors duty may not exceed:

- For any anniversary years closing before 23 September 1996: 60 retirement points
- For anniversary years closing on or after 23 September 1996 but before 30 October 2000: 75 retirement points
- For anniversary years closing on or after 30 October 2000 but before 30 October 2007: 90 retirement points
- For anniversary years closing on or after 30 October 2007: 130 retirement points

b. Paragraph 3-3 (DA Form 1380) states, the purpose of this form is to record Inactive Duty Training (IDT) by —

(1) Troop Program Unit (TPU) Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster.

(2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance.

(3) Non-unit Soldiers under the jurisdiction of the U.S. Army Human Resources Command who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140–10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. Note: Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 for those units.

(4) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in Table 2–3 (Award of inactive duty training retirement points).

c. Paragraph 3-3b states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled Battle Assembly. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into Automated Drill Attendance Reporting Software (ADARS) for the months report and then place in the appropriate Army records information management system file. 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. DA Form 1380 will be scanned into the Soldiers integrated Personnel Electronic Records Management System by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

//NOTHING FOLLOWS//