

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2025

DOCKET NUMBER: AR20240004812

APPLICANT REQUESTS:

- correction of her DA Form 5016 (Retirement Accounting Statement) to reflect she was awarded retirement points for duty and training for Retirement Year Ending (RYE):
 - 17 June 2020 – 28 retirement points
 - 17 June 2021 – 37 retirement points
 - 17 June 2022 – 2 retirement points
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum; Subject: [Applicant] Inactive Duty Training IDT), Annual Training (AT), and Membership Points Reconciliation
- Points Processing Screenshots
- 15 DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Email correspondence
- Retirement points spreadsheet

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 that between July 2019 and February 2020, the Uniform Services University Individual Mobilization Augmentee (IMA) administrator took a leave of absence. The DA Forms 1380 were reconciled and resubmitted by a temporary IMA coordinator in February 2020, but no points were awarded, and she was never notified by the U.S. Army Human Resources Command (AHRC) why she was not awarded the

points. Due to the COVID-19 pandemic, DA Forms 1380 for the months of September 2020 through June 2021 were not processed.

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

a. On 18 June 1999, she was appointed as a Regular Army commissioned officer and executed an oath of office.

b. On 17 May 2003, she executed an oath of office as a Regular Army commissioned officer in the Medical Corps with a subsequent order to active duty.

c. She was honorably released from active duty on 15 July 2015 and transferred to the U.S. Army Reserve Control Group (Reinforcement). She completed 12 years, 1 month, and 29 days of active service.

d. On 16 July 2015, she was appointed as a Reserve commissioned officer for an indefinite term.

e. On 13 August 2015, the applicant as a member of the USAR entered the IMA program and continues to serve in the IMA program.

f. DA Form 5016, dated 17 July 2024, shows for RYE:

- 17 June 2020, she earned 11 IDT points and 15 membership points, and 0 Active Duty Training (ADT) points, totaling 26 points creditable
- 17 June 2021, she earned 17 IDT points, 15 membership points, and 4 ADT points, totaling 36 points creditable
- 17 June 2022, she earned 33 IDT points, 15 membership points, and 12 ADT points, totaling 60 points creditable

4. The applicant provides:

a. Memorandum, Subject: [Applicant] IDT, AT, and Membership Points Reconciliation, dated 17 October 2023, in which she requests reconciliation and credit of IDT, AT, and membership points from RYE 17 June 2020 through 17 June 2022.

b. Points processing screenshots of the denial from AHRC of the late submitted DA Forms 1380 for retirement points correction.

c. 15 DA Forms 1380, that show the applicant completed training/duty on the following dates:

- 10 July 2019; 4 hours; 1 retirement point

- 17 July 2019; 4 hours; 1 retirement point
- 23 July 2019; 8 hours; 2 retirement points
- 7 August 2019; 4 hours; 1 retirement point
- 14 August 2019; 4 hours; 1 retirement point
- 21 August 2019; 4 hours; 1 retirement point
- 28 August 2019; 4 hours; 1 retirement point
- 9 October 2019; 4 hours; 1 retirement point
- 16 October 2019; 4 hours; 1 retirement point
- 23 October 2019; 4 hours; 1 retirement point
- 30 October 2019; 4 hours; 1 retirement point
- 8 November 2019; 4 hours; 1 retirement point
- 19 November 2019; 8 hours; 2 retirement points
- 20 November 2019; 4 hours; 1 retirement point
- 4 December 2019; 4 hours; 1 retirement point
- 10 – 11 December 2019; 8 hours; 2 retirement points
- 18 December 2019; 4 hours; 1 retirement point
- 8 January 2020; 4 hours; 1 retirement point
- 15 January 2020; 4 hours; 1 retirement point
- 22 January 2020; 4 hours; 1 retirement point
- 30 January 2020; 4 hours; 1 retirement point
- 1 – 2 February 2020; 8 hours; 2 retirement points
- 26 February 2020; 8 hours; 2 retirement points
- 14 – 15 September 2020; 12 hours; 3 retirement points
- 17 – 18 September 2020; 12 hours; 3 retirement points
- 21 – 22 September 2020; 8 hours; 2 retirement points
- 24 September 2020; 8 hours; 2 retirement points
- 28 September 2020; 4 hours; 1 retirement point
- 4 November 2020; 4 hours; 1 retirement point
- 10 November 2020; 4 hours; 1 retirement point
- 18 November 2020; 4 hours; 1 retirement point
- 19 November 2020; 4 hours; 1 retirement point
- 7 – 8 December 2020; 8 hours; 2 retirement points
- 15 December 2020; 4 hours; 1 retirement point
- 17 December 2020; 4 hours; 1 retirement point
- 5 January 2021; 4 hours; 1 retirement point
- 12 January 2021; 4 hours; 1 retirement point
- 19 January 2021; 4 hours; 1 retirement point
- 26 January 2021; 4 hours; 1 retirement point
- 1 March 2021; 4 hours; 1 retirement point
- 3 March 2021; 4 hours; 1 retirement point
- 10 March 2021; 4 hours; 1 retirement point

- 29 March 2021; 4 hours; 1 retirement point
- 1 April 2021; 4 hours; 1 retirement point
- 6 April 2021; 4 hours; 1 retirement point
- 21 – 22 April 2021; 8 hours; 2 retirement points
- 1 May 2021; 4 hours; 1 retirement point
- 5 May 2021; 4 hours; 1 retirement point
- 10 May 2021; 4 hours; 1 retirement point
- 12 May 2021; 4 hours; 1 retirement point
- 2 June 2021; 4 hours; 1 retirement point
- 7 June 2021; 4 hours; 1 retirement point
- 21 – 22 June 2021; 8 hours; 2 retirement points

d. Email correspondence between the applicant and unit administrators from 16 September 2019 through February 2021, in reference to submitting her retroactive and current DA Forms 1380 on the correct version to prevent further delay.

e. Screenshots of a personal excel spreadsheet, of what appears to be the applicant's time in service since she transferred from active duty to the USAR in July 2015.

5. On 18 October 2024, the AHRC, Chief, Personnel Services Division, provided an advisory opinion pertaining to retirement points credit. AHRC reviewed the application. The enclosed nonpaid DA Forms 1380 were initially prepared and submitted for pay processing and returned for correction; it appears the corrected forms were never submitted for pay processing. The DA Forms 1380 for July 2019 – February 2020 are signed by the Soldier; the Soldier is not authorized to sign their own DA Forms 1380. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) states that the responsible officer verifying the duty will provide the signed DA Form 1380 to the unit commander or unit representative validating approved additional training. The DA Forms 1380 for September 2020 and January through June 2021 are not signed. The DA Form 1380 should be corrected by the Soldier and the Unit of Assignment and resubmitted to be processed for pay.

6. On 29 October 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

7. On 12 November 2024, she responded and stated:

a. In accordance with paragraph 2 of the advisory opinion, she updated the following DA Forms 1380, with corrections to signatures and will resubmit for pay and points:

- July – August 2019

- October 2019 – February 2020
- November 2020 – January 2021
- March 2021
- May – June 2021

b. An initial resubmission was made on 20 October 2023 to AHRC via a personnel action request requesting reconciliation of IDT points, but not pay. This submission was based on AR 140-185, Appendix B-3.d. 1-2 specifying that DA Forms 1380 must be processed for pay no later than 90 days for the date of duty performed. In addition, there was a concern about resubmitting after the end of the respective fiscal years.

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 review based on law, policy, and regulation. The Board reviewed the U.S. Army Human Resources Command's advising official and determined the evidence supports the applicant submitted her DA Forms 1380 for the retirement years ending (RYE) 17 June 2020, 17 June 2021, and 17 June 2022, despite them being signed by the applicant in error, totaling 67 additional retirement points.

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 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 by awarding the applicant qualifying retirement points on the dates indicated below, provided all other criteria is met:

- 28 retirement points for the retirement year ending 17 June 2020
- 37 retirement points for the retirement year ending 17 June 2021
- 2 retirement points for the retirement year ending 17 June 2022

X



CHAIRPERSON

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. AR 15-185 (ABCMR), states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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.

3. AR 140-185, (Training and Retirement Points Credits and Unit Level Strength Account Records), contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. It states:

a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the servicemember entered into active service or active status in a Reserve Component.

b. The month and date for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry.

c. A qualifying year of service for non-regular retired pay is a full year during which the 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.

d. 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

e. 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 the U.S. Army Human Resources Command for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//