

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240004837

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect 52 creditable points in Retirement Year Ending (RYE) 14 August 2014 rather than 49.

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) for 20 September 2013
- Defense Travel Management Office Travel Card Program certificate of completion
- DA Form 1380 for 11 February 2014
- Electrocardiogram (ECG) report, 28 October 2013
- FCC Form 507 (Functional Capacity Certificate Form 507)
- DA Form 1380 for 23 April 2014
- Anti-Terrorism Level 1 Awareness Certificate of Completion
- Army Medical Department (AMEDD) Correspondence course Program Field Sanitation Team Certification Course Completion
- DA Form 5016 dated 17 April 2024
- E-mail from the applicant
- Texas Oncology McAllen Lab Results
- Med Fusion Department of Pathology Lab Results

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 he requests the correction of his DA Form 5016 to reflect 52 in RYE 14 August 2014 rather than 49 as awarded in the ABCMR Docket Number AR20230001679 as he found additional documentation to be awarded an additional

three points. He is currently one retirement point from having a qualifying year for retirement in order to qualify of a 20-year non-regular retirement.

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

a. On 15 August 2001, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

b. On 9 November 2001, Orders Number C-11-132506, issued by the U.S. Total Army Personnel Command, the applicant was assigned to a U.S. Army Reserve (USAR) Troop Program Unit, effective 15 August 2001.

c. On 29 March 2024, the ABCMR notified for Docket Number AR20230001679, his request for the correction of his DA Form 5016 was granted. His RYE 15 August 2013 was corrected to reflect he earned 49 creditable points.

d. DA Form 5016 dated 9 April 2024 shows in RYE 15 August 2014 the applicant earned 13 Inactive Duty Training (IDT) points, 15 membership points, and 15 Active Duty Training (ADT) points for a total of 43 creditable points.

e. On 22 May 2024, Orders Number 8209759, issued by the Department of the Army, the applicant was involuntarily discharged from the USAR, effective 31 May 2024.

f. DA Form 5016 dated 14 June 2024 shows in RYE 14 August 2014 the applicant earned 15 IDT points, 15 membership points, and 15 ADT points for a total of 45 creditable points.

g. DA Form 5016 dated 28 January 2025 shows in RYE 14 August 2014 the applicant earned 15 IDT points, 6 extension course points, 15 membership points, and 15 ADT points for a total of 51 creditable points.

h. Soldier Management Services - WEB Portal Retirement Points Detail shows during the period of 11 July through 25 July 2014 the applicant earned 15 points for attendance at active duty for training.

4. The applicant provides:

a. DA Form 1380 dated 17 April 2024 which shows on 20 September 2013 the applicant performed 4-hours completing mandatory training of the Government Travel Card Course for one non-paid retirement point. The DA Form 1380 was digitally signed on 18 April 2024 by E-O-, Commanding, as the officer who had knowledge of the duty performed.

- b. Defense Travel Management Office Program and Policies Travel Card Program certificate of completion which shows the applicant completed the training on 20 September 2013.
- c. DA Form 1380 dated 17 April 2024 which shows on 11 February 2014 the applicant performed 4-hours completing medical readiness requirements by completing the Functional Capacity Certificate Form 507 to be certified by his physician. The applicant included his ECG as supporting documentation for one non-paid retirement point. The DA Form 1380 was digitally signed on 18 April 2024 by E-O-, Commanding, as the officer who had knowledge of the duty performed.
- d. FCC Form 507 shows the applicant completed and signed the form on 11 February 2014 to be examined by his physician on 7 August 2014.
- e. DA Form 1380 dated 17 April 2024 shows on 23 April 2014 the applicant performed 4-hours completing mandatory training of the Anti-terrorism Level 1 Awareness training for one non-paid retirement point. The DA Form 1380 was digitally signed on 18 April 2024 by E-O-, Commanding, as the officer who had knowledge of the duty performed.
- f. Certificate of completion shows the applicant completed the Anti-Terrorism Level 1 Awareness training on 23 April 2014.
- g. AMEDD Correspondence Course Program course completion notice dated 5 August 2014 shows the applicant completed the Field Sanitation Team Certification course on 18 July 2014 for 40 credit hours.
- h. DA Form 5016 dated 17 April 2024 shows in RYE 14 August 2014 the applicant earned 13 IDT points, 6 extension course points, 15 membership points, and 15 ADT points for a total of 49 creditable points.
- i. On 19 April 2024, the applicant e-mailed the ABCMR to request the Board to consider his new evidence for the correction of his DA Form 5016.
- j. Texas Oncology McAllen Lab results shows a medical panel was received for the applicant's spouse on 13 August 2024.
- k. Med Fusion Department of Pathology Lab results shows on 14 August 2024 a specimen was received for the applicant's spouse.
- l. Email received from the applicant on 19 November 2024 to request the expedition of his application.

5. On 17 January 2025, in the processing of this case, Headquarters, U. S. Army Reserve Command, provided an advisory opinion regarding the applicant's request for the correction of his DA Form 5016. The advisory official stated after a review of his documents; it was determined that he should be awarded five points. The applicant submitted additional documentation. A favorable decision by the Army Review Boards Agency (ARBA) would allow the Readiness Division to update his record.

6. On 23 January 2025, 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 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, supporting military records, and the advisory opinion provided by Headquarters, U.S. Army Reserve Command, the Board concurred with the advisory official's recommendation to award the applicant five additional retirement points. The Board determined that the documentation submitted, including verified training records and duty certifications, provided sufficient evidence to support correction of the applicant's DA Form 5016 (Retirement Accounting Statement) for Retirement Year Ending 14 August 2014. Accordingly, the Board agreed that the applicant is entitled to five (5) retirement points for that period. As such, relief is granted

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) retirement points in accordance with Army Regulation (AR) 140-185 as reflected on his DA Form 5016 for Retirement Year Ending (RYE) 14 August 2014.

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.

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 RST or, Unit Training Assembly (UTA) or 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.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, RST, ET, or ATA
- 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. 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.

e. 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//