

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 February 2025

DOCKET NUMBER: AR20240005228

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to show she earned 4 retirement points for Retirement Year Ending (RYE) 28 December 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 28 February 1993
- DD Form 214, 28 October 2008
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training), May 2019
- DA Form 1380, June 2019
- Memorandum for Record (MFR), Subject: Letter of Lateness, 7 February 2022
- Email correspondence
- DA Form 5016 (Chronological Statement of Retirement Points)
- MFR, Subject: Letter of Lateness, 5 February 2023

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 she requests retirement points to be added to her DA Form 5016 for RYE 29 December 2018 [sic] for which she was not paid. During birth month audit, she reviewed her DA Form 5016 and presented her requests with all supporting documents to her Headquarters and Headquarters Company Commander for approval and submission but the documents either did not get signed, processed and/or submission attempts have not been actioned. There have been multiple changes for routing and requirements for points only requests over the past few years. Without

current or correct information, human resources personnel have been misrouting this request to the wrong department(s) and have finally returned it back to her with reference to this Board to submit herself. The letter of lateness is no longer accepted if the submission is over 6 months of duty performance. This is her third attempt to get these points added to her DA Form 5016.

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

a. On 28 October 2008, having had prior Regular Army and U.S. Army Reserve (USAR) enlisted service the applicant was appointed as a Reserve warrant officer and executed an oath of office.

b. On 29 March 2007, by memorandum, the applicant was notified she completed the required number of years to qualify for a non-regular retirement at age 60.

c. DA Form 5016 shows the applicant earned the following points for RYE 28 December 2019, 33 inactive duty training points, 15 membership points, totaling 48 points creditable.

d. The applicant remains in the USAR.

4. The applicant provides:

a. DD Form 214, showing the applicant's period of active duty from 24 September 2008 through 28 October 2008.

b. DA Form 1380 dated 6 February 2022 showing the applicant completed training on 4 May 2019 for 8 hours, totaling 2 retirement points and 5 May 2019 for 4 hours, totaling 1 retirement point. The form was endorsed by Captain (CPT) J- A- as the officer having knowledge of the duties performed.

c. DA Form 1380 dated 6 February 2022 showing the applicant completed training on 1 June 2019 for 4 hours, totaling 1 retirement point. The form was endorsed by CPT J- A- as the officer having knowledge of the duties performed.

d. MFR, Subject: Letter of Lateness, dated 7 February 2022, that states the applicant attended Battle Assembly (BA) on 4 and 5 May 2019 and 1 June 2019. The DA Forms 1380 were unresolved from her previous command.

e. Email correspondence wherein the applicant attempted to resolve the issue of missing retirement points with a 95th Division official.

f. MFR, Subject: Letter of Lateness, dated 5 February 2023, that states the applicant attended BA on 4 and 5 May 2019 and 1 June 2019. The DA Forms 1380 were unresolved from her previous command.

5. On 11 December 2024, in the processing of this case, the U.S. Army Reserve Command, Retirement Services Officer, provided an advisory opinion and stated, the applicant's documents were reviewed, and she should be awarded four points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The documents were not processed for pay, but with a favorable decision from the Board, the Readiness Division can correct the error. Full administrative relief granted.

6. On 17 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She did not respond.

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 available documentation and the findings and recommendations outlined in the USARC advisory opinion, the Board concluded there was sufficient evidence to grant the requested relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:X	:X	:X	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 adding 4 retirement points for Retirement Year Ending (RYE) 28 December 2019, on the applicant's DA Form 5016.

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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. 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

b. 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.

c. Table 2-3 Rule Number 2 states "Attends BA, RST, in a nonpay status, award points under the 4-hour/8-hour rule." 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.

3. Department of Defense Instructions 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//