

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 February 2025

DOCKET NUMBER: AR20240005253

APPLICANT REQUESTS: correction of his records to show retirement points for 2-4 May 1996 and 16-18 May 1996, totaling 11 points.

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) 2-4 May 1996
- DA Form 1380, 16-18 May 1996
- U.S. Army Human Resources Command (AHRC) letter, 28 March 2024

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 in effect, he has a letter from the Army Service Center and DA Forms 1380 to show his number Inactive Duty Training (IDT) days missing.
3. A review of the applicant's official record shows the following:
  - a. On 15 February 1979, by memorandum, the applicant was appointed as a Reserve commissioned officer. His record is void of a DA Form 71 (Oat of Office Military Personnel).
  - b. On 7 January 1985, the National Guard Bureau (NGB) issued Special Orders Number 4 extending Federal recognition of the applicant's transfer from the U.S. Army Reserve (USAR).

c. On 17 April 1987, the NGB issued Special Orders Number 72 withdrawing the applicant's Federal recognition and transferring him to the USAR.

d. The applicant's records contain a DA Form 1380 dated 4 May 1996 showing he conducted a visit to the 486th Civil Affairs Battalion for the period 2-4 May 1996 for 8 hours each day, totaling 6 retirement points. Item 10 (The Above Named Reservist Performed) shows Rescheduled Training (RST) for 5 May 1996 and 1-2 June 1996. The form was endorsed by the unit administrator for the 361st Civil Affairs Brigade.

e. On 1 July 1996, by memorandum, the applicant was notified he completed the required 20 years to qualify for a non-regular retirement at age 60.

f. On 19 May 1997, Orders Number 139-5 issued by Headquarters, U.S. Army Special Operations Command, the applicant was reassigned to the USAR Control Group (Reinforcement), effective 15 May 1997.

g. The applicant's records are void of a DA Form 5016 (Chronological Statement of Retirement Points). Likewise, it is void of orders placing him on the retired list.

4. The applicant provides:

a. DA Form 1380 dated 18 May 1996 showing he conducted a physical security inspection at the 478th Civil Affairs Battalion for the period 16-17 May 1996 for 8 hours each day, totaling 4 retirement points, and 18 May 1996 for 4 hours, totaling 1 retirement point. Item 10 shows RST for 1-2 June 1996 and 13 July 1996. The form was endorsed by Sergeant First Class T- P- as the officer having knowledge of the duties performed.

b. AHRC letter wherein the applicant was informed his request to utilize DA Forms 1380 to credit IDT points, when payment had not been processed for 2 May 1996 and 16-18 May 1996 could not be processed and he would have to petition the Board.

5. On 10 December 2024, in the processing of this case, the AHRC, Chief, Army Service Center, provided an advisory opinion and stated, two inactive points per ay were already issued for 3 and 4 May 1996. The DA Forms 1380 for 2, 16, 17, and 18 May 1996 are for paid points and AHRC cannot make a determination on whether or not they should be issued. Block 16 [sic] is not signed by an officer on either DA Form 1380 and no signature authority memorandum is attached to the request.

6. On 17 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He 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 requested DA 1380s appearing to be approved by unit personnel at the time of the training, 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 correction of the applicant's DA Form 5016 to show additional retirement points for duties performed on 2-4 May 1996 and 16-18 May 1996, totaling 11 points

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 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) in effect at the time states.

a. The limitations on the number of points which may be credited to a soldier during a retirement year are—Maximum—365 (366 during leap year) points. Maximum for IDT—60 points for IDT and membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned.

b. Retirement points may be earned by USAR soldiers for active duty (AD), or while in an active Reserve status, for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), inactive duty training (IDT), Reserve membership, and for other activities specified in this regulation. Types of IDT are as follows:

- Regularly scheduled training (RST) other than UTA/MUTA
- Make up assemblies for missed UTA/MUTA due to AT
- Equivalent training (ET) in lieu of scheduled UTA/MUTA or RST
- Additional training assemblies (ATA)
- Two-hour unit training assemblies
- Training of individual soldiers in nonpay status

c. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitation on points:

- Four-hour rule. One point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly; Maximum of 2 points in 1 calendar day
- Two-hour rule. One point for each 2 hour or greater period; Two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assemblies; Maximum of 1 point in 1 calendar day
- Two/eight-hour rule: One point for each 2 hour or greater period; Two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies; Award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8. Maximum of 2 points in 1 calendar day

//NOTHING FOLLOWS//