

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2025

DOCKET NUMBER: AR20240005271

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to show she earned for the Retirement Years Ending (RYE) the following points:

- RYE 24 May 2017 – 22 retirement points
- RYE 24 May 2018 – 18 retirement 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). 5-6 November 2016
- DA Form 1380, 21-22 January 2017
- DA Form 1380, 25-26 February 2017
- DA Form 1380, 11-12 March 2017
- DA Form 1380, 5-7 May 2017
- DA Form 1380, 25-27 August 2017
- DA Form 1380, 16-19 September 2017
- DA Form 1380, 21-22 October 2017
- Points Detail

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 completed 46 Inactive Duty for Training (IDT) periods with her unit in Fiscal Year 2017 (FY17). She chose to drill for points only (not pay) during this time. Each month the DA Forms 1380 to account for her time were signed by the unit commander and submitted to the Defense Logistics Agency (DLA) Army Reserve Element (ARE) J91 command for credit. The points were not credited due to Troop Program Unit (TPU) deployments and high turnover of Active Guard/Reserve staff

assigned to the DLA ARE J91 command at the time. Her command ultimately submitted the DA Forms 1380 to the U.S. Army Human Resources Command (AHRC) and 10 points were credited. Subsequent attempts to correct the remaining 36 points through AHRC, Integrated Personnel and Pay System-Army, and the 63rd Readiness Division, ultimately resulted in referrals to the Board for correction. She completed a medical board and was deemed medically unfit. Her unit is preparing to cut medical retirement orders. She is currently pending a formal medical board review on 5 August 2024. The points she should have received in FY17 will give her 20 years of service when she is ultimately medically retired from the Army.

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

- a. On 25 May 2004, the applicant enlisted in the U.S. Army Reserve (USAR). She continued service in the USAR through a reenlistment and extensions.
- b. On 10 May 2012, Orders Number 12-131-00013 issued by Headquarters, 88th Regional Support Command, the applicant was assigned to DLA, effective 8 June 2012.
- c. Her record contains the following DA Forms 1380 showing the applicant completed training on the following dates:

- 5-6 November 2016 – 8 hours each day = 4 retirement points (endorsed 11 August 2018)
- 21-22 January 2017 – 8 hours each day = 4 retirement points (endorsed 11 August 2018)
- 25-26 February 2017 – 8 hours each day = 4 retirement points (pay only) (endorsed 26 February 2017)
- 11-12 March 2017 – 8 hours each day = 4 retirement points (endorsed 11 August 2018)
- 25-27 August 2017 – 8 hours each day = 6 retirement points (endorsed 11 August 2018)
- 16-19 September 2017 – 8 hours each day = 4 retirement points (Electronic Based Distance Learning 8 hours = 1 retirement point) (endorsed 11 August 2018)
- 21 -22 October 2017 – 8 hours each day = 4 retirement points (endorsed 15 November 2017)

d. On 12 August 2024, Orders Number 0009147946 issued by the Department of the Army placed the applicant on the permanent disability retired list, effective 9 September 2024.

e. DA Form 5016 dated 17 October 2024 shows the applicant earned the following points for RYE:

- 24 May 2017, 16 Inactive Duty Training (IDT) points, 15 membership points, 7 Active Duty Training (ADT) points, totaling 38 points creditable
- 24 May 2018, 26 IDT points, 15 membership points, totaling 41 points creditable
- 18 years of qualifying service for retirement

4. The applicant provides:

- a. DA Form 1380 dated 7 May 2017 showing the applicant completed Equivalent Training (ET) for the period 5-7 May 2017, 8 hours each day for 6 retirement points.
- b. Points detail showing points the applicant earned as recorded in the retirement points accounting system.

5. On 10 December 2024, in the processing of this case, AHRC, Chief, Army Service Center, provided an advisory opinion and stated, the DA Forms 1380 for November 2016 and January, February, March, May, August, September and October 2017 are correctly filled out. All of them except the DA Form 1380 for February 2017 were signed on 11 August 2018. No letter of lateness has been provided explaining why they were submitted late. The DA Form 1380 for February 2017 was signed within the month the action was performed but is marked as being for paid points per block 9c (Retirement Points) which contradicts block 9d (Location of Duties, Nature of Duties, Training or Instruction) which states 'for points only'.

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, 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 Reserve Command's advising official and determined the evidence supports the applicant submitted her DA Forms 1380 for the retirement years ending (RYE) 24 May 2017 and 24 May 2018, totaling 40 additional retirement points.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|                          |                          |                          |                      |
|--------------------------|--------------------------|--------------------------|----------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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:

- 22 retirement points for the retirement year ending 24 May 2017
- 18 retirement points for the retirement year ending 24 May 2018

4/10/2025

X \_\_\_\_\_

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):
  - 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 HRC for award of retirement points no later than the end of each duty month.
  - c. 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.
4. Army Reserve Retirement Points Information Guide, paragraph 3-2 (Electronic Based Distance Learning (EBDL)) states approved EBDL courses will be awarded to

members of the Selected Reserve (TPU). Subject to available funding, and as pre-approved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed. Points may not be awarded for more than one type of training per any single calendar day.

//NOTHING FOLLOWS//