

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 December 2024

DOCKET NUMBER: AR20240005423

APPLICANT REQUESTS: correction of his DA Form 1380 (Record of Individual Performance of Reserve Duty Training) to credit and apply the appropriate promotion (i.e., retirement) points.

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

- Three DD Form 149 (Application for Correction of Military Record), 23 February 2024
  - Inactive Duty Training (IDT) Attendance Roster dated 5 May 2023
  - DA Form 1380 (Army Reserve - Record of Individual Performance of Reserve Duty Training) dated 7 May 2023
  - DA Form 1380 dated 21 February 2024
  - Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training dated 23 February 2024
  - DA Form 1380 dated 23 February 2024
  - Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training dated 23 February 2024

FACTS:

1. The applicant states he is requesting the appropriate promotion (i.e., retirement) points be credited and applied for unit battle assembly based on the DA Forms 1380 he has provided. He attended battle assembly with the 228th Field Hospital on 5-7 May 2023 and completed all unit tasks in accordance with the training schedule. He was not credited for attending because a DA Form 1380 was not submitted, and he was not familiar with the process as it was the first year receiving Veterans Affairs disability while attending battle assembly. The applicant states he did not attend the initial battle assembly scheduled on 14 and 15 October 2023, due to approved paternity leave for child born on 2 October 2023. He successfully completed the approved RST make up with the 228th Field Hospital on 20 and 21 February 2024. And he did not attend the initial battle assembly scheduled on 4 - 5 November 2023, due to approved paternity

leave for child born on 2 October 2023. He successfully completed the approved RST make up with the 228th Field Hospital on 22-23 February 2024.

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

a. On 24 April 2013, the applicant enlisted in the U.S. Army Reserve (USAR). He served continuously and remains in the USAR. His Enlisted Record Brief shows in Section III (Service Data) he was promoted to sergeant (E-5) with a date of rank as 1 April 2019.

b. DA Form 1380 (Record of Individual Performance of Reserve Duty Training) shows the applicant completed the following medical related appointments/other services totaling 0 points: 6 and 7 October 2014. The form was endorsed by Major (MAJ) A.J.T. as the officer having knowledge of the duties performed.

c. DA Form 1380, dated 6 December 2014, shows the applicant completed medical related appointments/other services on 11 April 2014, for 4 hours totaling 0 points. The form was endorsed by First Lieutenant (1LT) K.T.S. as the officer having knowledge of the duties performed.

d. Multiple DD Forms 214 (Certificate of Release or Discharge from Active Duty) show the applicant:

- entered active duty this period on 11 June 2013 and was honorably released from the active duty on 19 December 2013 for completion of his required active service.
- entered active duty this period on 24 January 2016 and was honorably released from the active duty on 1 March 2017 for completion of his required active service.
- active duty this period on 20 April 2018 and was honorably released from the active duty on 19 April 2019 for completion of his required active service.
- entered active duty this period on 22 January 2021 and was honorably released from the active duty on 11 September 2022 for completion of his required active service.

e. DA Form 1380, dated 22 January 2023, shows the applicant completed rescheduled training (RST) at Joint Base San Antonio, Texas, for points only for 8 hours each day totaling 4 retirement points: 21 January 2023 and 21 January 2023. The form was endorsed by Captain (CPT) J.S. as the officer having knowledge of the duties performed. The form also shows the following remark in item 9 (Location of Duties, Nature of Duties, Training or Instruction), "SM was not on sign roster".

f. DA Form 1380, shows the applicant completed training by performing battle assembly tasks in accordance with the training schedule for points only for 8 hours each day: 14, 15, and 16 April 2023. The form was endorsed by 1LT C.K. as the officer having knowledge of the duties performed.

g. DA Form 5016, dated 24 May 2023, shows the applicant earned the following points for Retirement Year Ending (RYE) 24 April 2023; 10 inactive duty training points, 7 membership points, and 0 active duty training points, totaling 17 points creditable.

h. DA Form 5016, dated 24 May 2024, shows the applicant earned the following points for RYE 24 April 2024, 30 inactive duty training points, 15 membership points, and 0 active duty training points, totaling 45 points creditable.

3. The applicant provides:

a. Inactive Duty Training (IDT) Attendance Roster dated 5 May 2023 endorsed by CPT J.M.S. show the applicant was signed in at the 228<sup>th</sup> Field Hospital.

b. DA Form 1380, dated 7 May 2023, shows the applicant completed duties for battle task assembly for points only for 8 hours each day: 5, 6, and 7 May 2023. The form was digitally endorsed by Second Lieutenant (2LT) V.L. as the officer having knowledge of the duties performed.

c. DA Form 1380, dated 21 February 2024, shows the applicant completed duties by setting up tents in preparation of Innovative Readiness Training (IRT) Commonwealth of the Northern Mariana Islands (CNMI) for points only for 8 hours each day: 20 and 21 February 2024. The form was digitally endorsed by 2LT V.L. on 25 February 2024 as the officer having knowledge of the duties performed.

d. A Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training dated 23 February 2024, for reason of absence as paternity leave. The request was approved by 2LT V.L. on 25 February 2024.

e. DA Form 1380, dated 23 February 2024, shows the applicant completed duties by setting up tents in preparation of IRT CNMI for points only for 8 hours each day: 22 and 23 February 2024. The form was digitally endorsed by 2LT V.L. as the officer having knowledge of the duties performed.

f. A duplicate Request for Authorization for Rescheduled Training (RST) Equivalent Training (ET), or Excuse from Regular Scheduled Unit Training dated 23 February 2024, for reason of absence as paternity leave. The request was approved by 2LT V.L. on 25 February 2024.

4. On 24 October 2024, in the processing of this case, Headquarters, United States Army Reserve Command (USARC), Military Services Offices, provided an advisory opinion approval. The advisory official stated, the applicant documents determined he should be awarded eight (8) retirement points based off Army Regulation 140-185. The applicant was unaware he needed to complete a DA Form 1380 if drilling for points only. A favorable opinion by Army Review Board Agency (ARBA) will allow the Readiness Division to update the Soldier's record.

5. On 29 October 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

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 and standard review based on law, policy and regulation. Upon review of the applicant's request, available military records and Headquarters, United States Army Reserve Command (USARC), Military Services Offices advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be awarded eight (8) retirement points based off regulatory guidance.

2. The Board agreed the applicant was unaware that a DA Form 1380 was required if he was drilling for points only. The Board determined there is sufficient evidence to support the applicant's contentions for correction of his DA Form 1380 to credit and apply the appropriate promotion (i.e., retirement) points. As such, the Board granted relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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|---|---|---|----------------------|
| ■ | ■ | ■ | 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 eight (8) retirement points in accordance with Army Regulation (AR) 140-185.



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. 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.

2. 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//