

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20240005445

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded additional retirement points for duty and training for Retirement Year Ending (RYE) beginning on 2 July 2015 and ending on 1 July 2016.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- 15 - DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Email correspondence (U.S. Army Human Resources Command (AHRC))
- Email correspondence (88th Readiness Division)
- 2 - DA Forms 5016
- DA Form 4187 (Personnel Action Request)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 this error has impacted his military career, as it will force him to complete 21 years of service instead of 20 to retire with my full benefits. This has also impacted his veteran's benefits as he was prevented from using the G.I. Bill in 2020 as he was deemed as not completing his initial 6-year service obligation. Additionally, there have been impacts to awarding of the Army Reserve Components Achievement Medal and Armed Forces Reserve Medal. This error was caused by years of neglect from human resources professionals not following through on their requirements. His unit allowed him to reschedule training (RST) at an alternate location while he was in high school as his unit was 3 hours away from his home of record. His unit agreed to pay him for points to be in an active status. He has exhausted every resource at all of his units to include Company, Battalion, Brigade level human resources professionals, the 88th Readiness Division and AHRC.

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

- a. He enlisted in the United States Army Reserve (USAR) on 7 July 2015.
- b. Three DA Forms 1380 dated 2 August 2019 that shows he performed 66 hours of duty for 33 retirement points on:
 - 8 July 2015; 2 hours; 1 retirement point
 - 15 July 2015; 2 hours; 1 retirement point
 - 22 July 2015; 2 hours; 1 retirement point
 - 29 July 2015; 2 hours; 1 retirement point
 - 5 August 2015; 2 hours; 1 retirement point
 - 19 August 2015; 2 hours; 1 retirement point
 - 2 September 2015; 2 hours; 1 retirement point
 - 16 September 2015; 2 hours; 1 retirement point
 - 7 October 2015; 2 hours; 1 retirement point
 - 21 October 2015; 2 hours; 1 retirement point
 - 11 November 2015; 2 hours; 1 retirement point
 - 18 November 2015; 2 hours; 1 retirement point
 - 3 December 2015; 2 hours; 1 retirement point
 - 10 December 2015; 2 hours; 1 retirement point
 - 14 December 2015; 2 hours; 1 retirement point
 - 1 January 2016; 2 hours; 1 retirement point
 - 20 January 2016; 2 hours; 1 retirement point
 - 2 February 2016; 2 hours; 1 retirement point
 - 16 February 2016; 2 hours; 1 retirement point
 - 24 February 2016; 2 hours; 1 retirement point
 - 2 March 2016; 2 hours; 1 retirement point
 - 16 March 2016; 2 hours; 1 retirement point
 - 23 March 2016; 2 hours; 1 retirement point
 - 30 March 2016; 2 hours; 1 retirement point
 - 6 April 2016; 2 hours; 1 retirement point
 - 13 April 2016; 2 hours; 1 retirement point
 - 20 April 2016; 2 hours; 1 retirement point
 - 4 May 2016; 2 hours; 1 retirement point
 - 18 May 2016; 2 hours; 1 retirement point
 - 25 May 2016; 2 hours; 1 retirement point
 - 8 June 2016; 2 hours; 1 retirement point
 - 15 June 2016; 2 hours; 1 retirement point
 - 29 June 2016; 2 hours; 1 retirement point

- c. Orders Number 20129-07 issued by the Reserve Officers' Training Corps (ROTC) on 8 May 2020, discharged him from the USAR to accept a commission in the U.S. Armed Forces with an effective date on 9 May 2020.
- d. On 9 May 2020, he was appointed as a Reserve Commissioned Officer and subsequently executed an Oath of Office the same day.
- e. On 7 June 2020, he entered active duty for training (ADT). His DD Form 214 shows he was honorably released from ADT on 25 September 2020 with 3 months and 19 days of net active service.
- f. Orders Number UG-199-0016 issued by the 310th Expeditionary Sustainment Command on 18 July 2023 ordered him to active duty with a report date of 18 January 2024 for a period of 365 days.
- g. DA Form 5016 dated 31 July 2024 shows for the RYE 1 July 2016 he earned 2 inactive duty points and 15 membership points, for a total of 17 creditable points.
- h. Orders Number 318-0141 issued by Headquarters, III Corps and Fort Cavazos on 13 November 2024 released him from active duty (REFRAD), effective 9 December 2024.
- i. His DD Form 214 shows he was honorably REFRAD on 9 December 2024 with 10 months and 22 days of net active service.

4. The applicant provides:

a. A self-authored letter that states:

(1) The applicant's current DA Form 5016 states he only has 2 Inactive Duty Points (IDT) and 15 Membership Points. The documentation he has submitted with his application would grant him an additional 33 IDT points to his record, which would grant him a total of 50 points total between his first membership year of 2 July 2015 through 1 July 2016. This correction would deem him as having a good retirement year for that period of service.

(2) The impact of his service being reduced by 33 IDT points has caused numerous issues to include processing and receiving awards, being denied his Veterans Home Loan (VA Loan) and having to complete an additional year of service in order to retire with benefits from the Army.

(3) Upon his initial enlistment in 2015, he was not assigned a unit within a 50 mile radius of his home of record. The closest unit was in Saginaw, MI; just over 3-hours

away from my residence. As a 17-year-old still in high school, his recruiter facilitated a conversation with his unit to allow him to drive the 30 minutes to the recruiting station rather than a 6-hour drive round trip to his unit. His unit agreed and instead of paying him for drill, he was to conduct drill for points only. During his senior year of high school, he would go to the recruiting station once or twice per a week to conduct physical training, assist with recruiting events, along with other tasks. As a Soldier, he completed everything that was asked of him that his unit required him to do, while also aiding the recruiters he reported to. In 2019, during a unit annual records review, it was discovered all of the drilling for points only he did was never recorded by the unit or recruiters. The unit Army Reserve Administrator (ARA) at the time reached out to the recruiting station in which they happily signed off on three DA Form 1380s for points only, as they had firsthand knowledge that he completed his drilling agreement with them. Once those documents were signed, they were uploaded to his record. He noticed a year later when he received an updated DA Form 5016 that his record did not update to reflect the duty. He raised this issue in 2020, however with the COVID-19 pandemic and commissioning, he did not receive any follow-up response. Since then, he has taken every step to rectify this issue with his unit personnel, to include contacting his S1 at battalion and brigade levels, the 88th Readiness division, and AHRC.

b. 15 - DA Forms 1380 that shows he performed 132 hours of duty for 33 retirement points on:

- 8 July 2015; 4 hours; 1 retirement point
- 15 July 2015; 4 hours; 1 retirement point
- 22 July 2015; 4 hours; 1 retirement point
- 29 July 2015; 4 hours; 1 retirement point
- 5 August 2015; 4 hours; 1 retirement point
- 19 August 2015; 4 hours; 1 retirement point
- 2 September 2015; 4 hours; 1 retirement point
- 16 September 2015; 4 hours; 1 retirement point
- 7 October 2015; 4 hours; 1 retirement point
- 21 October 2015; 4 hours; 1 retirement point
- 11 November 2015; 4 hours; 1 retirement point
- 18 November 2015; 4 hours; 1 retirement point
- 3 December 2015; 4 hours; 1 retirement point
- 10 December 2015; 4 hours; 1 retirement point
- 14 December 2015; 4 hours; 1 retirement point
- 6 January 2016; 4 hours; 1 retirement point
- 20 January 2016; 4 hours; 1 retirement point
- 3 February 2016; 4 hours; 1 retirement point
- 14 February 2016; 4 hours; 1 retirement point
- 24 February 2016; 4 hours; 1 retirement point

- 2 March 2016; 4 hours; 1 retirement point
- 6 March 2016; 4 hours; 1 retirement point
- 23 March 2016; 4 hours; 1 retirement point
- 30 March 2016; 4 hours; 1 retirement point
- 8 April 2016; 4 hours; 1 retirement point
- 15 April 2016; 4 hours; 1 retirement point
- 22 April 2016; 4 hours; 1 retirement point
- 5 May 2016; 4 hours; 1 retirement point
- 19 May 2016; 4 hours; 1 retirement point
- 29 May 2016; 4 hours; 1 retirement point
- 2 June 2016; 4 hours; 1 retirement point
- 7 June 2016; 4 hours; 1 retirement point
- 16 June 2016; 4 hours; 1 retirement point

All of the DA Forms 1380 were digitally signed on 5 June 2023 by Captain G-S- the company commander as the officer who had knowledge of the duty performed.

- c. Email correspondence between the applicant and AHRC on 28 June 2021, in which he submitted 3 DA Forms 1380 for the RYE 1 July 2016.
- d. Email correspondence between the applicant and the 88th Readiness Division, in which he has forwarded an email from AHRC directing him back to his unit for submission of the 3 DA Forms 1380 for the RYE 1 July 2016. Additionally, a response from the 88th Readiness Division in which he is advised to submit a request to ARBA for the correction of his DA Form 5016.
- e. 2 - DA Forms 5016 dated 31 July 2023 and 20 April 2024 that show for RYE 1 July 2016, the applicant was credited with 2 IDT points and 15 membership points, totaling 17 creditable points.
- f. A terminated Personnel Action Request dated 1 August 2023, in which the applicant submitted DA Forms 1380 for points correction from RYE 1 July 2016. The comments from the approval chain indicate the applicant must request correction through the ABCMR.

5. On 27 January 2025, Headquarters, U.S. Army Reserve Command, (USARC) a Retirement Services Officer, provided an advisory opinion pertaining to retirement points credit. USARC reviewed the applicant's documents and determined he should not be awarded points in accordance with AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The regulation required at that time for a Soldier to turn in their DA Form 1380 within 30 days. The Soldier did not turn-in a DA Form 1380. The Regulation also requires for the nature of the duties performed to be listed in section 9.d. In block 10, the signature has to be an office with knowledge

of duties performed. The copies of the DA Form 1380s signed by the recruiter, was not digitally signed, but in iPERMS, they were not uploaded until August 2018. There is no proof any duty was performed or that the Soldier ever in processed with their unit. No administrative relief granted.

6. On 30 January 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

7. On 6 February 2025, the applicant responded to the advisory opinion and stated:

a. He acknowledges the USARC Retirements Branch opinion on the matter, he believes there are several key issues that were not addressed in their opinion regarding his initial letter sent to the ABCMR and conflicting guidance that the Retirement Branch uses in their opinion from AR 140-185. His intent for the letter is to advocate for the ABCMR to reject the advisory opinion and grant relief by awarding his retirement points.

b. The retirement branch fails to mention that AR 140-185 (Chapter 3-3) requires unit of attachment to complete the DA Form 1380 and forward to the unit of assignment for recording attendance. The regulation does not push the creation and forwarding on the Soldier performing the duty. While they reference the “regulation at that time” (AR 140-185) the previous edition of the regulation is not accessible to the public on the Army Publishing website, nor can he find a historical version. He argues, if the retirement branches statement is truthful that at the time (2015) a Soldier was required to turn in submit a DA Form 1380 that:

(1) AR 140-185 was changed specifically to make the units submit DA Forms 1380.

(2) A PV1 Delayed Entry Program (DEP) Soldier that has not gone to basic training or advanced individual training, which wouldn't even know drill and ceremony would not reasonably understand the process of the DA Form 1380 or even understand what the document is.

(3) The Soldier trusted their recruiters and unit to properly file attendance records as the regulation states.

(4) The retirement branch is assuming that the Soldier did not submit the DA Form 1380, rather than assuming it was never filed as an administrative error by the pay administrator. This would be a valid assumption based on the original DA Form 1380s not being completed correctly.

c. The retirement branch states that the DA Form 1380s were signed by the recruiter and requires for an officer to sign. This is true; however, the regulation fails to

mention is USAR PAM 37-1 which authorizes any noncommissioned officer or civilian with signature authority the authority to sign a DA Form 1380. There is no regulatory requirement that would have made the unit Army Reserve Administrator (ARA) submit the signature authority memorandum (and would assume would be against regulation to do so) and the unit would not have a physical copy due to limitations on how long they can keep pay documents. The retirement branch states that the DA Form 1380 was not digitally signed; nothing in the regulation would prohibit a hand signed DA Form 1380. Once the discrepancy was noticed during the Personnel Records Review (PRR) the unit ARA contacted the recruiting office who sent the DA Form 1380 back to the unit.

d. The retirement branch makes a comment regarding the nature of duties performed and issues with the original DA Forms 1380. Upon inquiring about a points correction with a representative from the Michigan Reserve Personnel Action Center (RPAC) in Southfield, MI he found out that the original DA Forms 1380 were completed incorrectly. He was advised by the RPAC to contact the current commander of the 919th Inland Cargo Transportation Company (ICTC) and request for new and updated DA Forms 1380 to resubmit points correction. This is what led to the updated DA Forms 1380 that were signed and certified by the 919th ICTC commander on June 5th, 2023.

e. Furthermore, the retirement branch states that there was no proof of duty. However, AR 140-185 (Chapter 3) lists the DA Form 1380 as a source document for awarding retirement points. There is no need for additional proof as according to the same regulation they are utilizing, the DA Forms 1380 (whether correctly filled out or not) are the proof. Nothing in AR 140-185 requires additional documentation to be uploaded into the digital military record. He can attest that he did in-process with his Reserve unit. Furthermore, they are looking at the original DA Forms 1380 as if they should be invalidated rather than a systemic issue or an administrative issue; rather, they should look at the original DA Forms 1380 as the equivalent to a DD Form 214 (Certificate of Release or Discharge from Active Duty) that has errors, and the updated and corrected DA Forms 1380 signed by the officer having knowledge, as the DD Form 215 (Correction to DD Form 214) that would correct it.

f. According to AR 140-185, Reserve Component members (to include DEP) are authorized to receive retirement point credit. He has tried every avenue to fix this error to his record. In his previous letter to the board, he went into detail regarding those approaches he has previously attempted. He has served faithfully since 2015 and continues his service in the USAR as both a member of the Selected Reserve Troop Program Unit and as a Military Technician (Army Civilian). He has given his life to the USAR and all he asks in return is to receive the retirement points he performed drilled for in 2015. He believes that the opinion from the retirement branch is not only wrong, but a complete disservice to Soldiers and future Soldiers that are missing retirements. Congress mandated the implementation of Integrated Personnel and Pay System - Army to provide transparency to Soldiers and to also fix pay issues, which the USAR

has had their fair share of pay issues. The retirement branch completely puts the burden of proof on the Soldier and is mandating additional proof, which is not required by Army Regulations.

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 advisory opinion; however, determined the evidence supports the applicant submitted his DA Forms 1380 for the retirement year ending (RYE) 1 July 2016, totaling 33 additional retirement points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XX :XX :XX 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:

- 8 July 2015; 4 hours; 1 retirement point
- 15 July 2015; 4 hours; 1 retirement point
- 22 July 2015; 4 hours; 1 retirement point
- 29 July 2015; 4 hours; 1 retirement point
- 5 August 2015; 4 hours; 1 retirement point
- 19 August 2015; 4 hours; 1 retirement point
- 2 September 2015; 4 hours; 1 retirement point

- 16 September 2015; 4 hours; 1 retirement point
- 7 October 2015; 4 hours; 1 retirement point
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- 8 April 2016; 4 hours; 1 retirement point
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- 22 April 2016; 4 hours; 1 retirement point
- 5 May 2016; 4 hours; 1 retirement point
- 19 May 2016; 4 hours; 1 retirement point
- 29 May 2016; 4 hours; 1 retirement point
- 2 June 2016; 4 hours; 1 retirement point
- 7 June 2016; 4 hours; 1 retirement point
- 16 June 2016; 4 hours; 1 retirement point

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, U.S. Code, 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 Points Credits and Unit Level Strength Account Records), contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. It states:
 - a. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the servicemember entered into active service or active status in a Reserve Component.
 - b. The month and date for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry.
 - c. A qualifying year of service for non-regular retired pay is a full year during which the Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay.
 - d. 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
 - e. 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.

//NOTHING FOLLOWS//