

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2025

DOCKET NUMBER: AR20240005469

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to reflect she was awarded 24 additional retirement points for duty and training for Retirement Year Ending (RYE) 24 June 2021, and 2 additional retirement points for RYE 9 November 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Email Correspondence
- 7 DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- 3 Continuing Medical Education Certificates
- U. S. Army Human Resources Command (AHRC) Orders Number C-11-111862
- Memorandum; SUBJECT: Reserve Time Credit for [Applicant]

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 she was working with the Uniformed Services University of the Health Sciences (USUHS) Military Personnel Office to submit the documents during the period of 2020 through 2024, but the efforts were unsuccessful. She received an email stating that since she has retired, USUHS can no longer submit documents on her behalf.
3. A review of the applicant's service records shows the following:
 - a. On 25 June 1995, the applicant was appointed a Reserve commission.
 - b. On 15 May 1999, the applicant was appointed a Regular Army commission.

c. On 2 September 2011, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed 12 years, 9 months and 2 days of active service.

d. On 3 September 2011, the applicant was again appointed a Reserve commission and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement).

e. On 25 May 2017, AHRC issued Orders Number C-05-707348 reassigning the applicant from the USAR Control Group (Reinforcement) to the U.S. Army Element Uniformed Services University of the Health Sciences effective 24 May 2017. The applicant was assigned as an Individual Mobilization Augmentee (IMA) and authorized to perform up to 48 Inactive Duty Training (IDT) periods each Fiscal Year (FY).

f. On 15 August 2019, the applicant received her Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-year letter).

g. The applicant's Retirement Points Summary shows for:

- RYE 24 June 2021, she earned 1 Inactive Duty Point (IDP), 15 Membership Points, 12 Active Duty Points (ADP), and 14 Non-Paid IDT Points for a total of 42 creditable points;
- RYE 9 November 2021, she earned 6 Membership Points and 12 ADP, for a total of 18 creditable points

h. The applicant's Retirement Points Detail shows that she was not credited with any of the points being requested in the previously mentioned DA Forms 1380 from September 2020 through October 2021.

4. The applicant provides:

a. Self-authored statement that outlines her attempts to submit multiple DA Forms 1380 between September 2020 and October 2021, of which were either lost, not signed, not properly completed, and returned to applicant for correction, or not submitted to the Army Human Resources Command (AHRC) within the required timeframe.

b. Email correspondence between herself, USUHS's Military Personnel Office, and AHRC, requesting the processing of the applicant's DA Forms 1380 for points only and the inability to locate the DA Form 1380 for September 2020.

c. Seven DA Forms 1380 that shows she performed 52 hours of duty for 26 retirement points on:

- 1 September 2020; 4 hours; 1 retirement point

- 8 September 2020; 4 hours; 1 retirement point
- 10 September 2020; 4 hours; 1 retirement point
- 15 September 2020; 4 hours; 1 retirement point
- 18 - 20 September 2020; 16 hours; 4 retirement points
- 22 September 2020; 4 hours; 1 retirement point
- 24 September 2020; 8 hours; 2 retirement points
- 29 September 2020; 4 hours; 1 retirement point
- 24 – 28 February 2021; 32 hours; 8 retirement points
- 1 March 2021; 4 hours; 1 retirement point
- 5 April 2021; 4 hours; 1 retirement point
- 9 April 2021; 8 hours; 2 retirement points
- 17 August 2021; 4 hours; 1 retirement point
- 5 October 2021; 4 hours; 1 retirement point

d. Three Continuing Medical Education certificates dated 2 March 2021, 8 March 2021, and 9 April 2021.

e. Orders Number C-11-111862 issued by AHRC on 15 November 2021 that assigned her to the Retired Reserve with an effective date of 9 November 2021.

f. Memorandum from USUHS's Department of Pediatrics Chairperson and the applicant's former rater, dated 2 April 2024, which states he can confirm that the applicant is missing Individual Mobilization Augmentee (IMA) retirement credit which was not corrected prior to her retirement.

5. On 3 February 2025, in the processing of this case, the AHRC's, Chief, Personnel Services Division, provided an advisory opinion pertaining to retirement points credit. AHRC reviewed the application and determined their office cannot award retirement points without direction from the Army Review Boards Agency. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), para 3-3, require that nonpaid Record of Individual Performance of Reserve Duty Training (DA Form 1380) must be sent to AHRC for the award of retirement points within 90 days of the duty being performed. The DA Form 1380 prepared for duty in September 2020 was not signed until April 2021 and was never submitted to AHRC for review. The DA Forms 1380 were not prepared or submitted as per AR 140-185. Retirement points can be awarded once the DA Forms 1380 are corrected.

6. On 5 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She did not provide a response.

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 applicant’s DA Form 1380 being properly approved by unit personnel and the facts outlined within the HRC advisory opinion, the Board concluded there was sufficient evidence to correct the applicant’s military record to reflect she was awarded 24 additional retirement points for duty and training for Retirement Year Ending (RYE) 24 June 2021, and 2 additional retirement points for RYE 9 November 2021.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX :XXX :XXX 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 reflecting she was awarded 24 additional retirement points for duty and training for Retirement Year Ending (RYE) 24 June 2021, and 2 additional retirement points for RYE 9 November 2021.

//SIGNED//

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, 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. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) Paragraph 3-3 (DA Form 1380) provides that the DA Form 1380 is utilized to record IDT performed by non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR Troop Program Units (TPU), Army National Guard (ARNG) units, or to another service or component for training. Only attached Soldiers are authorized to perform IDT with the exception of one annual Physical Health Assessment (PHA) each for medical and dental readiness when authorized by the command prior to the event. Non-unit Soldiers attached for retirement point credit to IMA detachments are reported on DA Form 1379 (U.S. Army Reserve Components Unit Record of Reserve Training) for those units. Nonpaid DA Form 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. Paragraph 3-4b, provides that a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training. The code "P" or "N" will be entered in item 9c before the retirement point credit. The code "P" indicates the Soldier is entitled to inactive duty pay for the duties performed; 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 and a maximum of 15 retirement points per year for Reserve Component members in an active status.
4. AR 135-180 (Retirement for Non-Regular Service) states that the Human Resources Command will update the DA Form 5016 for USAR Soldiers annually at the end of their Annual Year (AY) and place it into their on-line record at <http://www.hrc.army.mil> for their review. Soldiers will review their retirement point statement annually and provide supporting documents to correct any deficiencies through their chain of command to HRC in accordance with AR 140–185. When local records available in Reserve units or in the Soldier's military records do not conclusively establish the Soldier's creditable service and completion of 20 years qualifying service, or mandatory removal from active status, other than through elimination action or age, is imminent; commanders will request DA Form 1506 (Statement of Service for Computation of Length of Service for Pay Purposes) to verify the doubtful period(s). Discharged Soldiers with no military

service obligation will receive an updated DA Form 5016 if a request is received with supporting documents and an account is already established in the Retirement Point Accounting.

//NOTHING FOLLOWS//