

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 January 2025

DOCKET NUMBER: AR20240005478

APPLICANT REQUESTS: correction of his record by adding retirement points.

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

- DD Forms 149 (Application for Correction of Military Record)
- Four DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Memorandum for Record, subject: Letter of Lateness for Retirement Point Updates...

FACTS:

1. The applicant states he is missing retirement points earned through duty performed in October 2022, November 2022, December 2022, May 2023, and October 2023. He was drilling for points only and was not aware of the documentation required to be credited with the points. The omission of the points prevented him from being credited with 20 years of service.
2. On 26 February 2003, the applicant enlisted in the United States Army Reserve (USAR). He served continuously in the USAR and the Army National Guard until he was transferred to the Retired Reserve effective 16 August 2024.
3. His record contains a memorandum, subject: Notification of Eligibility for Retired Pay at Age 60 (15-Year Letter), 1 July 2024, confirming his eligibility for retired pay at age 60 based on his medical disqualification from further service with at least 15 years of service but less than 20 years of qualifying service.
4. A DA Form 5016 (Retirement Accounting Statement) shows he was credited with 19 years of service qualifying for retirement. The form shows his last "good" year (i.e., a year in which he earned 50 or more retirement points) was the period 26 February 2021 through 25 February 2022. During the period 26 February 2022 through 25 February 2023, he earned 44 retirement points (six points short of a "good" year).

5. The applicant provides four DA Forms 1380 that have been certified by a commissioned officer. The forms document duty performed for points only during November 2022 (8 points), December 2022 (4 points), May 2023 (4 points), and October 2023 (4 points).
6. The application references service performed in October 2022, but the applicant has not provided a DA Form 1380 documenting that service.
7. On 13 January 2025 during the processing of this case, a Retirement Services Officer from Headquarters, United States Army Reserve Command, provided an advisory opinion recommending the Board grant relief in this case and award the applicant 20 retirement points in accordance with the governing regulation.
8. The applicant was provided a copy of the advisory opinion for his review and comment. As of this writing, he has not responded.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found 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 petition, available military records and Headquarters, United States Army Reserve Command - Retirement Services Officer advisory opinion, the Board concurred with the advising official recommendation to grant relief finding the applicant met the requirements of AR140-185 and should be awarded 20 retirement points.
2. The Board noted, the applicant's DA Form 5016 reflects 19 years of qualifying service for retirement, with his last "good" year ending on 25 February 2022. For the following RYE, he earned only 44 retirement points—six points short of a qualifying year. Evidence in the record show four DA Forms 1380, each certified by a commissioned officer, documenting duty performed for points only in November 2022 (8 points), December 2022 (4 points), May 2023 (4 points), and October 2023 (4 points), totaling 20 retirement points. Based on the verified documentation, the advisory opinion, and the applicant's otherwise honorable and continuous service, the Board found sufficient evidence to correct the applicant's record. Therefore, the Board granted relief to award 20 retirement points for the RYE 25 February 2023, thereby converting the year into a "good" year for retirement purposes.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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 the Army records of the individual concerned be corrected to show the applicant should be awarded 20 retirement points for the RYE 25 February 2023.

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. Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component (RC) 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. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting. The AYE is much like a Reserve Soldier's "Anniversary" date and is a primary date captured in the Retirement Points Accounting System (RPAS). The anniversary year periods listed on the DA Form 5016 are

calculated from an anniversary date. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per Department of Defense Instruction 1215.07 and changing the anniversary year ending date are as follows:

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 service member entered active service or active status in a RC.

b. Paragraph 2–2, states 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), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and MUTA
- 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 non-pay status.

c. Paragraph 2–4 states, personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 point for each calendar day they serve in one of these categories and may not be awarded additional points for other activities while in such status. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- 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
- 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 assembly's maximum of 1 point in 1 calendar day
- 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
- points may not be awarded under more than one of the rules above during any single calendar day

- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

2. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//