

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240005859

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to add four non-paid retirement points in Retirement Year Ending (RYE) 21 December 2020.

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)
- DA Form 5016 (Chronological Statement of Retirement Points), 18 March 2024

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 while under the restrictions of the Coronavirus pandemic, he performed duty during April 2020 for Multiple Unit Training Assembly (MUTA) as required by the unit he was transitioning to at the time. However, he was informed he was over the authorized maximum MUTAs and he could not be paid for the duty. He then requested to received non-paid retirement points for the duty he had already performed but the personnel action was never processed. This error caused him to be short on the minimum points for a qualifying year for retirement.

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

a. With prior Regular Army service, the applicant was assigned to a U.S. Army Reserve (USAR) Troop Program Unit, effective 2 June 2014. He had continuous service through reenlistments.

b. On 19 September 2019, Orders Number 19-262-00036, issued by Headquarters (HQs), 63rd Readiness Division (RD) (USAR), the applicant was assigned to the 311th Combat Sustainment Command (Expeditionary), effective 15 October 2019.

c. On 2 September 2020, Orders Number 20-246-00006, issued by HQs, 63rd RD (USAR), the applicant was assigned to Detachment 4th, Delta Company, 1st Battalion, 320th Regiment, effective 1 October 2020.

d. DA Form 5016 dated 20 Jan 2025 shows the applicant earned in RYE 21 December 2020; 33 Inactive Duty Training (IDT) points, 15 membership points, and zero Active Duty Training (ADT) points for a total of 48 creditable points.

e. DA Form 5016 (Chronological Statement of Retirement Points) now known as (Retirement Accounting Statement) dated 30 January 2025 shows the applicant earned in RYE 21 December 2020; 33 IDT points, 15 membership points, and zero ADT points for a total of 48 creditable points.

f. Soldier Management Services - WEB Portal Retirement Points Detail shows the applicant was awarded two retirement points for the performance of inactive duty training for duty performed on 18 April 2020.

4. The applicant provides:

a. DA Form 1380 dated 19 April 2020 which shows while the applicant was assigned to the 311th Combat Sustainment Command (Expeditionary) he performed duty with Delta Company, 1st Battalion, 320th Regiment for non-paid retirement points. He performed duty in a Rescheduled Training (RST) status on:

- 18 April 2020, the applicant performed 8-hours of virtual battle assembly completing Equal Opportunity, Combat Trafficking in Persons, Anti-terrorism Level 1 training for 2 non-paid retirement points
- 19 April 2020, the applicant performed 8-hours of virtual battle assembly completed his Emergency Data form, Family Information Data Worksheet, Service Member's Group Life Insurance and drill sergeant candidate training

The DA Form 1380 was digitally signed on 19 April 2020 by Captain M- M-, Commander as the officer who had knowledge of the duty performed.

b. DA Form 5016 dated 18 March 2024 shows in RYE 21 December 2020, the applicant earned 33 IDT points, 15 membership points, and zero ADT points for a total of 48 creditable points.

5. On 27 January 2025, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded four additional retirement points. The advisory official stated the applicant should be awarded four points. His unit did not process the documentation needed at the time the

duty was performed. A favorable decision by the Army Review Boards Agency (ARBA) would allow the RD to update the applicant's record.

6. On 27 January 2025, the ARBA, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant 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 and standard review based on law, policy and regulation. Upon review of the applicant's request, supporting military records, and the advisory opinion provided by Headquarters, U.S. Army Reserve Command, the Board concurred with the recommendation to approve relief. The advisory official confirmed that the applicant should be credited with four non-paid retirement points for duty performed during Retirement Year Ending (RYE) 21 December 2020. The omission resulted from the unit's failure to process the required documentation at the time the duty was performed. A favorable determination by the Army Review Boards Agency (ARBA) would enable the Readiness Division to update the applicant's record accordingly. Based on the advisory opinion and the substantiating evidence, the Board found sufficient justification to correct the applicant's DA Form 5016 (Retirement Accounting Statement) to reflect the additional four non-paid retirement points. Therefore, the Board grants relief.

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 to show correction of the applicant's DA Form 5016 (Retirement Accounting Statement) by adding four non-paid retirement points in Retirement Year Ending (RYE) 21 December 2020.

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, 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 (AR) 140-1 (Mission, Organization, and Training), provides policy guidance on the mission, organization, and training of the U.S. Army Reserve (USAR).
 - a. Paragraph 3-11 (Equivalent Training (ET)), ET is performed in lieu of scheduled training (either RST or, Unit Training Assembly (UTA) or MUTA). Pay or retirement point credit, or both is authorized. ET must be accomplished within 60-days after the training for which it is substituted, or by the end of the training year (fiscal year) if within 60-days of that date. An explanation of the circumstances will be included, with a statement that the ET, if granted, will not cause the Soldier to exceed the 48 paid unit assemblies for the fiscal year. a. ET is limited to Soldiers who have missed a UTA, MUTA, or RST due to unforeseen personal emergencies and desire to make it up. No more than 4 UTAs may be made up during a fiscal year. b. ET given will be the same type and quality as the training missed. It will be appropriate to, and enhance the ability of, Soldiers to carry out their assigned duties. For staff or support personnel, this may include duty which

enhances unit training, management, or readiness. c. ET must be at least as long as the training missed. d. ET will not be granted for assemblies missed due to ADT.

b. Paragraph 3-14 (Additional training assemblies (ATAs)), ATAs may be used to conduct additional wartime or assigned mission training. An ATA will be a minimum of 4-hours. No more than 12 ATAs will be performed by any one individual per year.

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for U.S. Army Reserve (USAR) training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year. Maximum-365 (366 during leap year) points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. IDT will be either 4-hours in length for one retirement point or 8-hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for 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 training of individual Soldier in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), 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. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, RST, ET, or ATA
- 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

d. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA.

TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Forms 1380 will not be entered into ADARS and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

e. 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. The code "P" indicated the Soldier is entitled to retirement point credit and pay.

4. Department of Defense Instruction (DoDI) 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//