

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2025

DOCKET NUMBER: AR20240005919

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to reflect 50 creditable points in Retirement Year Ending (RYE) 5 November 2011 rather than 46.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5016 dated 5 December 2023
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training)

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 requests the correction of her DA Form 5016 (Retirement Accounting Statement) to reflect 50 creditable points in Retirement Year Ending (RYE) 5 November 2011 rather than 46 by adding four additional non-paid retirement points. Upon review of her service record, she found the administrative personnel of her unit did not process her DA Form 1380. During the period in question, she lived more than 50 miles from her unit and had just graduated from Advanced Individual Training. During one unit training assemblies, she experienced car trouble and requested to reschedule her required duty for that month. She attended the unit training assembly with a unit in her hometown and she was not aware that she was required to submit a DA Form 1380 in order to get paid. She spoke with her current chain of command regarding the discrepancy and they told her she could not get paid but could request points only. This correction needs to be granted for her to have a qualifying year for 2010 through 2011, she has worked hard throughout her career and deserves to be credited for duty performed.
3. A review of the applicant's service record shows:

a. On 6 November 2009, the applicant enlisted in the U. S. Army Reserve (USAR) and had continuous service through reenlistments.

b. Throughout the applicant's service she was ordered to active duty for training and again for support of Operation Enduring Freedom.

c. On 13 May 2016, Orders Number R-05-685961, issued by the U. S. Army Human Resources Command (AHRC), the applicant was ordered to active duty in Active Guard Reserve status effective 6 June 2016.

d. On 28 January 2020, Orders Number 028-0001, issued by the U. S. AHRC, the applicant was released from active duty and assigned to the USAR Troop Program Unit (TPU) effective 27 October 2020.

e. On 27 October 2020, the applicant was honorably released from active duty and assigned to the USAR TPU. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-years, 4-months and 22-days of active service.

f. DA Form 5016 dated 5 December 2024 which shows in RYE 5 November 2011, the applicant earned 31 inactive duty points, 15 membership points and zero active duty points for a total of 46 creditable points.

4. The applicant provides:

a. DA Form 5016 dated 5 December 2023 which shows in RYE 5 November 2011, the applicant earned 31 inactive duty points, 15 membership points and zero active duty points for a total of 46 creditable points.

b. DA Form 1380 dated 6 March 2024 which shows the applicant rescheduled training on 6 through 7 December 2010 for 8-hours of duty each day to be awarded 2 non-paid points per day for duty performed in [REDACTED] for pregnancy administrative assistance. The DA Form 1380 was digitally signed on 6 March 2024 by Lieutenant Colonel [REDACTED] Plans and Operations Office as the officer who had knowledge of the duty performed.

5. On 27 January 2025, in the processing of this case, the U. S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded additional retirement points. The advisory official recommended full administrative relief. A review of the documents the applicant provided it was determined she should be awarded four points. Her unit did not process the documentation needed at the time the duty was performed. A favorably decision by the

Army Review Boards Agency (ARBA) would allow the Readiness Division to update her record.

6. On 30 January 2025, the ARBA Case Management Division provided the applicant the advisory opinion for review and comment. As of 11 February 2025, she has not responded.

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 and concurred with the U.S. Army Reserve Command's advising official and determined the evidence supports the applicant submitted her DA Form 1380 for the retirement years ending (RYE) 5 November 2011 and it was not processed in a timely manner; therefore, she should be awarded the additional four retirement points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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, 4 retirement points for the retirement year ending 5 November 2011.

6/6/2025

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) 140-1 (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//