

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 February 2025

DOCKET NUMBER: AR20240006069

APPLICANT REQUESTS: retirement points accredited to his Retirement Accounting Statement for duty performed on 30 June 2023 and 10 July 2023

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) training date 30 June 2023
- DA Form 1380 training date 10 July 2023
- Email Correspondence with brigade S1 dated 18 December 2023

FACTS:

1. The applicant states due to a lack of available Readiness Management Assemblies (RMA) Code 91 funding from June 2023 through December 2023, his unit was unable to complete a pay action request for duty completed under RMA. This was in addition to a clerical error by him identifying the wrong year of duty on the DD Form 1380 delayed timely processing. In December 2023, it was determined submitting for "Points Only" would be the only way to receive credit for duty completed. On 24 April 2024, he submitted two personnel action requests (PAR) via the Integrated Personnel and Pay System - Army (IPPS-A) for points only. Those PARs were denied due to timing outside of 180 days. In the denial, he was instructed to complete a DD Form 149 via Army Review Board Agency (ARBA) for consideration.

2. A review of the applicant's official record shows the following:

a. He enlisted in the United States Army Reserves (USAR) on 15 October 1999 and was assigned to the USAR Control Group Reserve Officers' Training Corps (ROTC).

b. NGB Form 22 (Report of Separation and Record of Service) shows the applicant entered service this period on 19 January 2000 and was honorably released from duty on 10 May 2001, for appointment as a commission or warrant officer.

d. On 11 May 2001, he was appointed in the grade of second lieutenant (2LT) as a Reserve Commissioned Officer and executed an oath of office and on 12 May 2001, he was granted temporary Federal recognition in the New Mexico Army National Guard (NMARNG).

e. Special Orders Number 181 dated 2 July 2001, issued by the Department of the Army and Air Force National Guard Bureau, transferred him from USAR.

f. DA Form 2-1 and an Officer Record Brief shows in item 35 (Record of Assignments) ROTC-SMP 15 October 1999 to 10 May 2001 and Officer USAR service not on active duty (AD)/transfer from USAR, 11 May 2001 – 11 May 2001.

g. NGB Form 22 shows the applicant entered service this period on 11 May 2001 and was honorably released from duty on 15 September 2004, for enlisted or appointed in any regular Army component.

h. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant entered active duty this period on 14 September 2004 and was honorably discharged from active duty on 8 August 2008, for resignation – Miscellaneous/General Reasons.

i. On 8 August 2008, for an indefinite term, the applicant was appointed in the grade of captain (CPT) as a Reserve commissioned officer and executed an oath of office on 5 September 2008.

j. Orders Number B-08-305031 dated 15 August 2013, issued by HRC promoted him to major (MAJ) with the date of rank of 17 June 2013.

k. DD Form 214 shows the applicant entered active duty this period on 1 December 2008 and was honorably released from active duty on 30 August 2017, for completion of required active service.

l. Memorandum, Subject: Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter) dated 24 February 2022, shows he had completed the required years of qualifying Reserve service and was eligible for retired pay upon reaching age 60.

m. Orders Number 5122563 dated 15 August 2013, issued by Department of the Army promoted him to lieutenant colonel (LTC) with the date of rank of 31 May 2023.

n. DA Form 5016 (Retirement Accounting Statement), dated 13 November 2023, shows the applicant earned the following points for Retirement Year Ending (RYE) 14 October 2023; 55 inactive duty, 14 membership points, and 12 active duty points, totaling 81 points creditable, 11 months and 1 day qualifying for retirement.

o. DA Form 5016, dated 7 November 2024, shows the applicant earned the following points for RYE 18 January 2024; 61 inactive duty, 15 membership points, and 12 active-duty points, totaling 88 points creditable, one year qualifying for retirement.

p. He remains in a U.S. Army Reserve Troop Program Unit status.

3. The applicant provides:

a. DA Form 1380, 2 August 2023 showing the applicant attended duty for points on 30 June 2023 for 4 hours totaling 1 retirement point and the form was endorsed by LTC C-D-, S-3 as the officer having knowledge of the duties performed on 22 April 2024.

b. DA Form 1380, 2 August 2023 showing the applicant attended duty for points 10 July 2023 for 4 hours totaling 1 retirement point and the form was endorsed by LTC C-D-, S-3 as the officer having knowledge of the duties performed on 22 April 2024.

c. Email correspondence with the brigade S-1 dated 18 December 2023 detailing the disposition of his submissions for accredited points for several days of training and duty.

4. On 27 January 2025, in the processing of this case the United States Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion and stated, USARC reviewed the applicant's application and will need the DA Forms 1380 in order to determine if points should be awarded in accordance with AR 140-185. A DA Form 1380 is required for each month in which duty is performed, labeled as N-1 for every four hours and signed by an officer with knowledge of duties performed. No administrative relief granted.

5. On 5 February 2025, the applicant was provided with a copy of the advisory opinion for commend or rebuttal. He did not respond.

BOARD DISCUSSION:

1. 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 petition, available military records and United States Army Reserve Command -Retirement Services Officer advisory opinion, the Board notwithstanding the advisory opinion from the United States Army Reserve Command (USARC), which recommended no administrative relief due to the absence of supporting documentation at the time of review. However, the Board determined there is sufficient evidence in the official record to support the applicant's claim.

2. The Board noted the applicant provided two DA Forms 1380, both dated 2 August 2023, documenting four hours of duty performed on each date 30 June 2023 and 10 July 2023, totaling one retirement point per day. Each form was properly endorsed by LTC C-D-, S-3, on 22 April 2024, as the officer having knowledge of the duties performed. The Board determined that these forms meet the requirements outlined in AR 140-185 for crediting retirement points, including proper labeling and endorsement by an officer with direct knowledge of the duty performed. Based on this, the Board granted relief by accrediting two retirement points to the applicant's Retirement Points Accounting Statement, one point for duty performed on 30 June 2023 and one point for duty performed on 10 July 2023.

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 two retirement points to the applicant's Retirement Points Accounting Statement, one point for duty performed on 30 June 2023 and one point for duty performed on 10 July 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) 140-1 (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.

2. 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.

3. 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//