

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2025

DOCKET NUMBER: AR20240006074

APPLICANT REQUESTS: credit of 2 retirement points for the retirement year ending (RYE) 2022.

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

- Online Application in lieu of DD Form 149 (Application for Correction of Military Record), 13 April 2024
- Report to Suspend Favorable Personnel Actions (FLAG), 11 January 2022
- Counseling Statement, 12 January 2022
- memorandum, Applicant, 729th Transportation Company, 4 February 2022, subject: Acknowledgement of Receipt of Reprimand
- Coronavirus Disease 2019 (COVID-19) Refusal Checklist, 14 February 2022
- General Officer Memorandum of Record (GOMOR), 10 March 2022
- Reserve Health Readiness Program Voucher, 14 April 2022
- memorandum, Headquarters (HQ), 311th Sustainment Command, 12 May 2022 subject: Filing Determination on Reprimand
- DA Form 5016 (Chronological Statement of Retirement Points), 13 April 2024

FACTS:

1. The applicant states:

a. He received a GOMOR on 10 March 2022 for defying orders to receive the COVID-19 vaccine. Two points were not credited to his retirement points record making him 1 point short from having a sixth good year.

b. His GOMOR was given to him on 10 March 2022, but the U.S. Army Reserve (USAR) was not mandated for the COVID-19 vaccine until 1 July 2022. Since then, the mandate has been dropped, and the GOMOR is unjust.

c. The commander was being unreasonable and not working with Soldiers to get exemptions for the COVID-19 vaccine. He believes his unit retaliated against him and refused to help him process paperwork for the last point he is missing for a 6th good year.

2. The applicant provides copies of:

- a developmental counseling form, dated 12 January 2022
- a counseling statement and FLAG related to his COVID-19 vaccination refusal
- a GOMOR, dated 10 March 2022, issued to him for refusing to become fully vaccinated against the COVID-19 in response to the Secretary of Defense mandate on 14 September 2021, along with his acknowledgement memorandum
- a memorandum issued to him, dated 12 May 2022, reflecting a permanent filing determination
- a Voucher for Health Readiness Program, dated 14 April 2022, showing he attended an appointment for an audiogram and HIV draw testing
- a GOMOR filing determination memorandum
- a copy of his DA Form 5016, showing 5 good years towards retirement

3. A review of the applicant's service records show the following:

a. On 17 May 2016, he enlisted in the U.S. Army Reserve.

b. On 10 March 2022, the Commanding General, 311th Sustainment Command issued him a GOMOR for failing to become fully vaccinated against COVID-19. This GOMOR was subsequently permanently placed in his official military personnel file (OMPF).

c. On 24 April 2025, Headquarters, Department of the Army (HQDA) issued separation orders effective 16 January 2025.

d. On 17 May 2025, HQDA issued permanent change of assignment orders, to the 224th Military Police Company, USAR, effective 17 May 2024.

e. His DA Form 5016 shows RYE:

- 2017, 181 creditable points
- 2018, 86 creditable points
- 2019, 81 creditable points
- 2020, 58 creditable points
- 2021, 77 creditable points
- 2022 (7 May 2021 to 16 May 2022), 49 creditable points
- 2022 (17 May 2022 to 13 November 2022), 7 creditable points
- 2023 (14 November 2022 to 16 May 2023), 8 creditable points
- 2023 (17 May 2023 to 16 May 2023), 15 creditable points

4. On 16 December 2024, HQ, USAR Command (USARC) provided an advisory opinion recommending denial. It was determined that no points should be awarded. The advisory reads, in part:

a. In accordance with governing regulation no points should be awarded. The Soldier must provide DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for the period requested.

b. The Soldier should contact the Army Human Resources Command (HRC) and request relief via the Service Credit for Non-Regular Retirement. Points are granted for any Soldier that did not receive a good year up to 35 points due to COVID-19.

5. On 26 February 2025, the applicant was provided with a copy of the advisory opinion to give him an opportunity to comment. On 28 February 2025, he responded and stated:

a. He attached a voucher to his initial claim for a change to his records.

b. He does not have a DA Form 1380 because at the time his unit was only awarding retirement points and no pay. The COVID-19 affected many Soldiers. Retirement points are essential to him because he is 1 point short of receiving 6 good years. He went through his S-1 but was ignored. He felt he was neglected by his command after receiving the GOMOR.

c. He has been ignored and rejected.

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 determined the evidence supports that the applicant was affected by COVID-19 and his organization was unresponsive with helping him to process a DA Form 1380 for the retirement year ending 2022. The Board finds justification for approving relief, taking into consideration the applicant's service record, and evolving policy decisions.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XX	XX	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 2 retirement points for the retirement year ending 16 May 2022.

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 135-180 (Retirement for Non-Regular Service), implements statutory authorities governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard and Army National Guard of the United States or the U.S. Army Reserve. HRC will update the DA Form 5016 for USAR Soldiers annually at the end of their annual year and place it into their on-line record. 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 Army Regulation 140-185. 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 System.

a. Paragraph 1-7. Service requirement for a satisfactory year of service for non-regular retirement. A qualifying year of service for non-regular retired pay is a full year during which a 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.

b. Paragraph 1-8b. Establishment of anniversary year. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per DODI 1215.07 and changing the anniversary year ending date are as follows: 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 Servicemember entered into active service or active status in a RC. The month and day for each successive anniversary year will not be adjusted unless the Servicemember has a break in service. A break in service occurs only when a member transfers to an inactive status list, the inactive National Guard, a temporary disability retired list, the Retired Reserve, or is discharged for longer than 24 hours. There will not be a break in service if the Servicemember transfers directly to another active component or RC. When a Servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry. When the anniversary date shown on any authorized DA Form 5016 is incorrect the Soldier's unit of assignment should submit a request for action to HRC via encrypted email for processing.

c. Paragraph 2-1. Criteria for crediting retirement points. The limitations on the number of points that may be credited to a Soldier during an anniversary year are:

- Maximum-365 (366 during leap year) points
- No more than one retirement point may be awarded for any day in which the Soldier is on active duty

- A maximum of two retirement points may be awarded in 1 calendar day for any activity or combination of activities
- Inactive duty training (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
- Membership-Soldiers are awarded 15 membership points for each year in an active status

//NOTHING FOLLOWS//