

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20240006579

APPLICANT REQUESTS:

- correction of his DA Form 5016 (Retirement Accounting Statement) to add 11 months and 12 days for Retirement Year Ending (RYE) 29 June 1983
- a personal appearance before the Board via video and/or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Army Reserve Retirement Points Information Guide, 14 May 2018
- DA Form 5016, 15 April 2023
- DA Form 5016, 18 December 2023

FACTS:

1. The applicant states he is missing service time credit for 11 months and 12 days of Delayed Entry Program (DEP) time from 18 July 1982 to 29 June 1983, that was previously correctly credited in accordance with (IAW) Army Reserve Retirement Points Information Guide dated 14 May 2018, in paragraph 1-8 a(2). This time is shown as credited in the Interactive Personnel Electronic Records Management System (iPERMS) on DA Form 5016 dated 15 April 2023, and was subsequently removed without explanation in iPERMS on DA Form 5016 dated 18 December 2023. He has petitioned for correction through appropriate Integrated Personnel and Pay System - Army channels, without resolution. The addition of the 11 months and 12 days credited service should be added to his DA Form 5016, to accurately reflect time credited toward non-regular retirement.

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

a. His record is void of a DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) which would show any DEP time served. However, DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in block 12a (Date Entered Active Duty this Period) he entered active duty this period on 30 June

1983 and was honorably released from active duty on 24 June 1985 for Expiration Term of Service (ETS). Block 18 (Remarks) is void of a DEP entry.

b. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows in block 4 (Date of Enlistment) he enlisted in the Colorado Army National Guard (COARNG) this period on 23 August 1985 and was honorably discharged from the COARNG on 11 July 1988 for enlistment into the Air National Guard.

c. DD Form 214 shows in block 12a that he entered active duty this period on 14 January 1991 and was honorably released from active duty on 4 April 1991 due to demobilization.

d. NGB Form 22 shows in block 4 he enlisted in the Wyoming Air National Guard (WYANG) for this period on 12 July 1988 and was honorably released from the WYANG on 29 April 1991 by reason of resignation.

e. Orders Number 190-065 dated 3 October 1996, issued by Department of the Army and Air Force, State of Colorado, discharged him from the ARNG and as a reserve of the Army, effective 13 September 1996.

f. DD Form 4 shows the applicant enlisted in the Arizona Army National Guard (ARARNG) on 5 January 2011.

g. DD Form 214 shows in block 12a he entered active duty this period on 21 April 2011 and was honorably released from active duty on 3 June 2012 for completion of required service.

h. NGB Form 22 shows he was honorably released from the ARARNG on 4 January 2013 by reason of ETS.

i. NGB Form 23A (ARNG Retirement Points History Statement) prepared 18 January 2013 shows the applicant was in DEP from 18 July 1982 to 29 June 1983 and the time period was awarded no active duty points and has no entry for credible service for retirement pay.

j. On 17 March 2020, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

k. DA Form 5016, dated 15 April 2023, shows the applicant earned the following points for RYE 29 June 1983; 0 inactive duty, 14 membership points, and 0 active duty points, totaling 14 points creditable, 11 months and 12 days qualifying for retirement.

l. DA Form 5016, dated 18 December 2023, shows the applicant earned the following points for RYE 29 June 1983; 0 inactive duty, 14 membership points, and 0 active duty points, totaling 14 points creditable.

m. DA Form 5016, dated 15 April 2024, shows the applicant earned the following points for RYE 29 June 1983; 0 inactive duty, 14 membership points, and 0 active duty points, totaling 14 points creditable.

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

3. The applicant provides a nine page copy of the Army Reserve Retirement Points Information Guide dated 14 May 2018, which provides an overview and standard operating procedures for the Reserve Component Retirement Points Accounting System (RPAS); when, where, and how Human Resources (HR) Professionals to contact Army Human Resources Command (AHRC) for assistance and input; when, where, and how to review Soldier retirement point records; business rules on cases unit HR personnel should complete and those that require assistance from AHRC; documentation required and how to acquire it to support retirement points transactions and corrections. It also includes information on crediting and awarding of retirement points, establishment of the Anniversary Year End (AYE) date, proof of performance documents, eligibility for retirement points, and retirement points for non-paid training. Page 5 states "Soldiers of a Reserve Component in an active status as defined in Title 10, USC, section 10141. This includes service in a DEP established by Title 10, USC, section 513. This service is credited towards non-regular retirement since it is service in an active status as a Soldier of the Ready Reserve."

4. On 28 January 2025, in the processing of this case, Headquarters, United States Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion stating the following:

a. USARC reviewed the applicant's documents and determined he should not be awarded a year in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The legacy system erroneously gave a qualifying year, but the applicant did not have 50 points to have a qualifying year.

b. No administrative relief granted.

5. On 29 January 2025, the applicant was provided with a copy of the advisory opinion for comment 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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board noted the applicant's contention that his record was previously corrected. The Board also reviewed and concurred with the U.S. Army Reserve Command's advising official finding the legacy system erroneously gave a qualifying year, but the applicant did not have 50 points to have a qualifying year. The Board determined no administrative relief should be granted.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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. AR 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) in effect at the time 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 Soldiers. Paragraph 1-2 (Applicability) states only Ready Reserve Soldiers (other than Reserve Officers' Training Corps and Delayed Entry Control Group Soldiers) and Active Standby Reserve are authorized retirement point credit.

3. Department of Defense Financial Management Regulation 7000.14R, Volume 7A states in Section 2.1.(Service Which is Creditable):

a. Section 2.1.1.1 The several military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the "pay entry basic date," the Navy and Marine Corps refer to this as the "pay entry base date," while the Air Force calls it the "pay date." This chapter will refer to this data element as the "basic pay date," which is defined as reflecting all service that is creditable towards longevity. Creditable Service states time served in a Reserve Component before beginning active duty is not creditable service.

b. Section 2.1.1.2. The member's servicing personnel office is responsible for providing, when necessary, a statement of service that can include the basic pay date, total active federal military service date, total commissioned federal military service date, and a variety of other dates, depending on the nature of the individual member's service. This Regulation details only the computation of the basic pay date, since Military Service personnel regulations control the computation of all other dates.

c. Section 2.1.2. Computation of Creditable Service. For most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active or inactive service. If, however, there is a break in service, the time between periods of service usually is not included. Also, there are statutory periods when service in a particular component may not be counted. Conversely, there are periods for which some members are given constructive service, even though they were not actually serving on active or inactive duty. Use subparagraphs 2.1.3 through 2.1.5 to compute the basic pay date when there has been a break in service of any kind or if there is a need to include constructive service.

d. Section 2.1.3. Creditable Service Periods. Include active or inactive service in any component without restriction.

e. Section 2.1.4. Other Creditable Service include the following periods of service:

(1) Service as an enlisted member in a Reserve Component, including Ready Reserve service (inactive and active) under the Delayed Entry (Enlistment) Program (DEP), before beginning active duty or an initial period of Active Duty Training (ADT), provided the Reserve enlistment was entered into before 1 January 1985.

(2) As of 1 January 1985, the following restrictions went into effect as and when stated - for enlistments in a Reserve Component under Title 10, U.S.C., section 12103(b) or (d), including enlistments under a DEP, that were entered into between 1 January 1985, and 28 November 1989, the period served in the Reserve Component before beginning active duty or an initial period of ADT is not creditable.

(3) For enlistments entered into on or after 29 November 1989, a period of enlisted service in a Reserve Component under Title 10 U.S.C. section 12103(b) or (d), including inactive service under a DEP, is creditable service only if the member performs Inactive Duty Training (IDT) before beginning active duty or an initial period of ADT.

//NOTHING FOLLOWS//