

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240006868

APPLICANT REQUESTS: correction of his NGB Form 23A (Army National Guard (ARNG) Current Annual Statement) to reflect he obtained a qualifying year for retirement in retirement year ending (RYE) 21 February 1989 and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement

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 he requests the correction of his NGB Form 23A (Army National Guard (ARNG) Current Annual Statement) to reflect he obtained a qualifying year for retirement in retirement year ending 21 February 1989 and a personal appearance before the Board. In January 1989, he transferred from the Ohio ARNG to the South Carolina ARNG; however, his service record indicates he did not have a qualifying year for retirement in 1988 through 1989. When in fact, he completed the full year and all the necessary points needed for a good year. In June 1989, he performed 2-weeks of annual training and attending weekly unit training assemblies. He was medically retired in November 2019 and he is in the process of applying for his retirement pay but he does not have 20 qualifying years for retirement benefits.
3. A review of the applicant's service record shows:
  - a. The applicant's service record is void of most his ARNG service prior to 2005. However, a DA Form 1059 (Service School Academic Evaluation Report) shows during the period of 9 through 23 May 1987 the applicant achieved course standards for the Primary Leadership Development Course.

b. National Guard Bureau (NGB) Form 23 (Retirement Credits Record) shows with the Ohio ARNG the applicant earned in RYE:

- 21 February 1984 - 32 inactive duty points, 14 membership points and 97 active duty points for a total of 143 creditable points
- 21 February 1985 - 48 inactive duty points, 15 membership points, 24 correspondence course points and 15 active duty points for a total of 102 creditable points
- 21 February 1986 – 46 inactive duty points 15 membership points, and 15 active duty points for a total of 76 creditable points
- 21 February 1987 – 49 inactive duty points, 15 membership points, and 16 active duty points for a total of 80 creditable points
- 21 February 1988 – 45 inactive duty points, 15 membership points and 15 active duty points for a total of 75 creditable points
- 21 February 1989 – 14 inactive duty points, 15 membership points and zero active duty points for a total of 29 creditable points

c. NGB Form 23B (ARNG Retirement Points History Statement) dated 31 December 1999 shows for the retirement year period of 30 September 1988 through 21 February 1989, the applicant earned 8 inactive duty points and 6 membership points for a total of 14 creditable points.

d. On 12 October 2005, the applicant enlisted in the Ohio ARNG.

e. During his service in the ARNG he was ordered to active duty on multiple occasions.

f. On 17 December 2010, the applicant extended his enlistment in the ARNG for 6-years for a new expiration of term of service of 11 October 2017.

g. On 8 October 2013, the applicant was honorably discharged from the ARNG for acceptance as a warrant officer.

h. On 9 October 2013, the applicant executed his oaths of office and was appointed a Reserve warrant officer in the rank of warrant officer one (WO1) in the Ohio ARNG.

i. On 11 February 2015, Special Orders Number 33, issued by the NGB, the applicant was appointed in the Ohio ARNG in the rank of WO1 effective 9 October 2013.

j. NGB Form 23A dated 2 November 2016 shows the applicant earned in RYE:

- 21 February 1984 - 32 inactive duty points, 15 membership points and 99 active duty points for a total of 146 creditable points
- 21 February 1985 - 48 inactive duty points, 15 membership points, 24 correspondence course points and 15 active duty points for a total of 102 creditable points
- 21 February 1986 – 46 inactive duty points 15 membership points, and 15 active duty points for a total of 76 creditable points
- 21 February 1987 – 49 inactive duty points, 15 membership points, and 16 active duty points for a total of 80 creditable points
- 21 February 1988 – 45 inactive duty points, 15 membership points and 15 active duty points for a total of 75 creditable points
- 21 February 1989 – 14 inactive duty points, 15 membership points and zero active duty points for a total of 29 creditable points

k. On 15 November 2019, the applicant was honorably medically retired from the ARNG and assigned to the U. S. Army Reserve Control Group (Retired Reserve). NGB Form 22 (NGB Report of Separation and Record of Service) shows the applicant completed 6-year, 1-month and 7-days of service with a total of 19-years, 1-month and 4-days for retired pay.

4. On 23 December 2024, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request for a good year for retirement for the period of 1988 through 1989. The advisory official recommended a partial approval of his request. The applicant enlisted in the Ohio ARNG on 22 February 1983 and transferred to the South Carolina ARNG until 21 February 1989. He had a civilian break in service during the period of 22 February 1989 through 11 October 2005. He enlisted in the Ohio ARNG on 12 October 2005 until he was medically retired on 19 November 2019 with 19-years of service. In The RYE 21 February 1989, he earned 29 points toward retirement which was not a qualifying year for retirement. His record shows for the period in question the applicant earned 14 inactive duty points and 15 membership points for a total of 29 creditable points before transferring to the South Carolina ARNG wherein he earned 8 inactive duty points and 6 membership points for his service with the South Carolina ARNG. Therefore, his RYE 21 February 1989 should be corrected to reflect 22 inactive duty points and 15 membership points for a total of 37 creditable points. However, he still does not meet the criteria for a qualifying year for the period of 22 February 1988 through 21 February 1989.

5. On 23 December 2024, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 finding in the retirement year ending (RYE) 21 February 1989, he earned 29 points toward retirement which was not a qualifying year for retirement. His record shows for the period in question the applicant earned 14 inactive duty points and 15 membership points for a total of 29 creditable points before transferring to the SCARNG wherein he earned 8 inactive duty points and 6 membership points for his service with the SCARNG. Therefore, his RYE 21 February 1989 should be corrected to reflect 22 inactive duty points and 15 membership points for a total of 37 creditable points. However, he still does not meet the criteria for a qualifying year for the period of 22 February 1988 through 21 February 1989.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:XX	:XX	:XX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 37 creditable points for the RYE 21 February 1989, provided all other criteria is met.

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to granting the applicant a qualifying year toward retirement.



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, 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.

5. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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.

//NOTHING FOLLOWS//