

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 March 2025

DOCKET NUMBER: AR20240007228

APPLICANT REQUESTS: reconsideration of his previous request to correct his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded additional retirement points for duty and training for the following Retirement Year Ending (RYE):

- 24 September 2017 – 2 retirement points
- 24 September 2018 – 8 retirement points
- 24 September 2019 – 27 retirement points

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum; Subject: DA Form 1380 (Record of Individual Performance of Reserve Duty Training) (2017-2019) Returned without Action, from the U.S. Army Human Resources Command (AHRC) on 4 August 2020 that states the applicant's DA Forms 1380 were returned due to being incomplete, incorrect, or timely (late)
- Memorandum; Subject: DA Form 1380 for Performance of Duty Letter of Resubmittal/Lateness for [Applicant] from Headquarters and Headquarters Company, 358th Civil Affairs Brigade Commander on 4 June 2020 that shows the applicant's request for points from September 2017 to July 2019 that have been submitted several times via appropriate channels, without action
- Email correspondence between September 2018 and May 2020 in which the applicant follows up on several resubmitted DA Forms 1380 due to corrections required by AHRC
- Memorandum; Subject: Letter of Lateness for [Applicant], from the 486th Civil Affairs Battalion Commander on 22 April 2018 in which he states the applicant had 4 DA Forms 1380 for points only, that the unit did not know fully how to complete and process for points only
- 14 DA Forms 1380 that shows he is requesting points only for various training meetings, staff work, and drill readiness:
 - 11 May 2017; 4 hours; 1 retirement point
 - 25 October 2017; 4 hours; 1 retirement point
 - 11 May 2018; 4 hours; 1 retirement point

- 18 May 2018; 4 hours; 1 retirement point
- 18 May 2018; 8 hours; 2 retirement points
- 7-8 July 2018; 16 hours; 4 retirement points
- 7-8 July 2018; 8 hours; 2 retirement points
- 3-4 October 2018; 8 hours; 2 retirement points
- 18 October 2018; 4 hours; 1 retirement point
- 25 October 2018; 4 hours; 1 retirement point
- 8 November 2018; 4 hours; 1 retirement point
- 11 November 2018; 4 hours; 1 retirement point
- 14 November 2018; 4 hours; 1 retirement point
- 20 November 2018; 4 hours; 1 retirement point
- 28 November 2018; 4 hours; 1 retirement point
- 7 February 2019; 4 hours; 1 retirement point
- 14 February 2019; 4 hours; 1 retirement point
- 20-21 February 2019; 8 hours; 2 retirement points
- 25 February 2019; 4 hours; 1 retirement point
- 27 February 2019; 4 hours; 1 retirement point
- 6-7 March 2019; 8 hours; 2 retirement points
- 13-14 March 2019; 8 hours; 2 retirement points
- 27 March 2019; 4 hours; 1 retirement point
- 2 May 2019; 4 hours; 1 retirement point
- 5 May 2019; 4 hours; 1 retirement point
- 22 May 2019; 4 hours; 1 retirement point
- 2 July 2019; 4 hours; 1 retirement point
- 9 July 2019; 4 hours; 1 retirement point
- 11 July 2019; 4 hours; 1 retirement point
- 14-15 July 2019; 8 hours; 2 retirement points

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210006137 on 6 January 2022.

2. The applicant states:

- 12 separate DA Forms 1380 from 2018-2019 have been submitted, returned for correction, resubmitted, not actioned, submitted via different channels, with no credit ever received or a denial of credit
- All issues have been corrected each time (different issues from each submittal) and still no action

- He submitted the DA Forms 1380 to ARBA in the fall of 2020 (height of COVID-19) with no action/response
- Based on guidance from AHRC, he is now resubmitting via ARBA's online portal

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

- Having prior enlisted service in the Army National Guard by memorandum the applicant was appointed as a Reserve commissioned officer on 23 May 1999; he subsequently executed an Oath of Office
- On 25 October 2018, the applicant received his Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-year letter)
- The applicant's DA Form 5016 dated 24 October 2024 shows for:
 - RYE 24 September 2017, he earned 45 Inactive Duty Training (IDT) points, 15 membership points, and 49 Active Duty Training (ADT) points for a total of 109 creditable points
 - RYE 24 September 2018, he earned 57 IDT points, 15 membership points, and 20 ADT points, for a total of 92 creditable points
 - RYE 24 September 2019, he earned 64 IDT points, 15 membership points, and 15 ADT points, for a total of 94 creditable points

4. The applicant's service record does not contain the DA Forms 1380 the applicant submitted for consideration of retirement points.

5. On 6 January 2022, in ABCMR Docket Number AR20210006137, the Board considered the applicant's request for retirement point credit for the period of 1 to 30 April 2018. The Board determined relief was not warranted. Based upon the email from AHRC stating the applicant was serving on active duty in April 2018 (and that is why those points could not be processed) and the applicant acknowledged that justification, the Board concluded there was insufficient evidence of an error or injustice which would warrant adding additional retirement points to the applicant's record.

6. On 23 September 2024, in the processing of this case the U.S. Army Reserve Command (USARC), STL, Military Services Office, provided an advisory opinion pertaining to retirement points credit. USARC reviewed the application and determined he should be awarded 37 points based off Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). The DA Form 1380 for duty date 2 May 2019 for 4hrs/1 point is missing a signature resulting in the action being rejected. Partial administrative relief granted.

7. On 27 September 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

BOARD DISCUSSION:

After reviewing the application, supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board 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 noted the applicant demonstrated consistent and credible efforts to document qualifying duty and training. The failure to credit retirement points was due to administrative processing issues rather than a lack of participation. The USARC advisory opinion supports awarding the requested points, except for one point which was returned for action, and the documentation provided substantiates the applicant's claim.

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 qualifying retirement points for the retirement years ending (RYE) indicated below, provided all other criteria is met:

- 24 September 2017 – 2 retirement points
- 24 September 2018 – 8 retirement points
- 24 September 2019 – 27 retirement points



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.

REFERENCE

Army Regulation 140-185 (Training and Retirement Points Credits and Unit Level Strength Accounting Records) sets responsibilities and procedures to establish and maintain retirement records prescribing the types of training and activities for which retirement points are authorized. Paragraph 3-3 (DA Form 1380 (Record of Individual Performance of Reserve Duty Training)) states a DA Form 1380 will be prepared for a unit Soldier who performs equivalent training or additional training with their unit subsequent to the scheduled battle assembly. Troop program unit (TPU) units will retain one copy of the DA Form 1380 to post the appropriate entry into automated drill attendance reporting software (ADARS) for the month's report and then place in the appropriate Army records information management system file. Nonpaid 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. DA Form 1380 will be scanned into the Soldier's interactive personnel electronic records management system (iPERMS) by the unit of assignment. With regard to awarding of retirement points for IDT (Four-Hour Rule), Service Members will be awarded one point for each 4-hour period of IDT duty performed. Maximum of two points per calendar day applies to IDT duty. Duty must be 8 hours in duration to receive two points per day.

//NOTHING FOLLOWS//