

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2025

DOCKET NUMBER: AR20240007314

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect non-paid retirement points for the Retirement Year Ending (RYE):

- 2020 – 8 retirement points
- 2021 – 20 retirement points
- 2022 – 26 retirement points

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)
  - DA Form 1380 dated 22 February 2020, endorsed by the commander (Cdr) shows he performed administrative tasks from 22-23 February 2020, for points only for 8 hours each day totaling 4 retirement points
  - DA Form 1380 dated 6 June 2020, endorsed by the Cdr shows he performed administrative tasks from 6-7 June 2020 for points only for 8 hours each day totaling 4 retirement points
  - DA Form 1380 dated 13 March 2021, endorsed by the Cdr shows he performed duties and training from 13-14 March 2021 for points only for 8 hours each day totaling 4 retirement points
  - DA Form 1380 dated 21 August 2021, endorsed by the Cdr shows he performed duties and training from 21-22 August 2021 for points only for 8 hours each day totaling 4 retirement points
  - DA Form 1380 dated 18 September 2021, endorsed by the Cdr shows he performed duties and training from 18-19 September 2021 for points only for 8 hours each day totaling 4 retirement points
  - DA Form 1380 dated 16 October 2021, endorsed by the Cdr shows he performed duties and training from 16-17 October 2021 for points only for 8 hours each day totaling 4 retirement points

- DA Form 1380 dated 16 November 2021, endorsed by the Cdr shows he performed duties and training from 16-17 November 2021 for points only for 8 hours each day totaling 4 retirement points
- DA Form 1380 dated 22 January 2022, endorsed by the Cdr shows he performed administrative tasks from 22-23 January 2022 for points only for 8 hours each day totaling 4 retirement points
- DA Form 1380 dated 19 March 2022, endorsed by the Cdr shows he performed administrative tasks from 19-20 March 2022 for points only for 8 hours each day totaling 4 retirement points
- DA Form 1380 dated 22 April 2022, endorsed by the Cdr shows he performed OCT Certification training from 22-24 April 2022 for points only for 8 hours each day totaling 6 retirement points
- DA Form 1380 dated 4 June 2022, endorsed by the Cdr shows he performed change of command prep, Annual Training (AT) prep and Army Combat Fitness Test from 4-5 June 2022 for points only for 8 hours each day totaling 4 retirement points
- DA Form 1380 dated 23 July 2022, endorsed by the Cdr shows he performed weapon qualification from 23-24 July 2022 for points only for 8 hours each day totaling 4 retirement points
- DA Form 1380 dated 15 October 2022, endorsed by the Cdr shows he performed administrative tasks from 15-16 October 2022 for points only for 8 hours each day totaling 4 retirement points
- Email Correspondence dated 2 May 2024, wherein the U.S. Army Human Resources Command, Retirement Points Team informed him the DA Forms 1380 were returned to him without action and referred him to Army Review Boards Agency
- Memorandum, Subject: Confirmation of Completion of Battle Assemblies from 2020-2022 dated 6 May 2024, attested by Captain (CPT) [REDACTED] that the applicant did attend battle assemblies for the listed dates and his DA Forms 1380 were not processed
- Memorandum, Subject: Request for Retirement Points Correction dated 6 May 2024 attested by First Lieutenant [REDACTED] that the applicant did attend battle assemblies for the listed dates and his DA Forms 1380 were not processed

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:

- His DA Form 5016 for the year of 2020, 2021, and 2022, the form does not accurately reflect all his time served
- He is missing creditable points which has caused him to not receive credit for three good years; affecting his ability to retire; a combination of reasons from his choice of drilling for points only, covid protocol, change in personnel and moving to a new facility.
- He has attached DA Forms 1380 signed by himself, company Cdrs and two memorandums of records coinciding with the DA Forms 1380

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

- The applicant enlisted in the Regular Army (RA) on 13 April 2004 and continued service through extensions and reenlistments
- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was honorably released from the active duty on 15 October 2016 for insufficient retainability (economic reasons)
- He enlisted into the U.S. Army Reserve (USAR) on 20 July 2016
- DA Form 5016 dated 13 January 2025, shows the applicant earned the following points creditable for retirement year ending:
  - 14 December 2020, 28 Inactive Duty Training (IDT) points, 15 membership points, and 0 Active Duty Training (ADT) points, totaling 43 creditable points
  - 14 December 2021, 6 IDT points, 15 membership points, and 15 ADT points, totaling 36 creditable points
  - 13 November 2022, 16 IDT points, 14 membership points, and 0 ADT points, totaling 30 creditable points
  - 14 December 2022, 0 IDT points, 1 membership point, and 0 ADT points, totaling 1 creditable point

4. On 3 February 2025, in the processing of this case the U.S. Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion which stated USARC reviewed the applicant's documents and determined he should be awarded 54 points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). Due to improper documentation by the unit S1, the applicant is missing years. A favorable decision by the Board would allow the Readiness Division to update the points. Full administrative relief granted.

5. On 4 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

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 concurred with the U.S. Army Reserve Command's advising official and determined the evidence supports the applicant submitted his DA Forms 1380 for the retirement years ending (RYE) 14 December 2020, 14 December 2021, 13 November 2022, and 14 December 2022, totaling 54 additional retirement points.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	■	■	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 on the dates indicated below, provided all other criteria is met:

- 8 retirement points for the retirement year ending 14 December 2020
- 20 retirement points for the retirement year ending 14 December 2021
- 26 retirement points for the retirement years ending 13 November 2022 and 14 December 2022

5/28/2025

X

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. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by U.S. Army Reserve Soldiers for active duty or duty in an active status for active duty for training (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 activities specified in this regulation.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- 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

b. Paragraph 3-3 (DA Form 1380) states nonpaid DA Forms 1380 will not be entered into Automated Drill Attendance Reporting Software (ADARS) and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

c. 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.

3. Department of Defense Instructions 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//