

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240007417

APPLICANT REQUESTS:

- correction of his DA Form 5016 (Retirement Accounting Statement) formerly known as the Chronological Statement of Retirement Points, to add additional retirement points in Retirement Year Ending (RYE):
 - 8 February 2017 – 8 retirement points
 - 8 February 2018 – 50 retirement points
 - 8 February 2019 – 74 retirement points
 - 8 February 2020 – 16 retirement points
 - 8 February 2024 – 4 retirement points
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record) for Army Board for Corrections of Military Records (ABCMR) Docket Number AR20230011689
- Transmittal Letter history
- DA Form 5016 (Chronological Statement of Retirement Points)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for January through December 2017
- DA Form 1380 for January through November 2018
- DA Form 1380 for December 2018 through April 2019
- Defense Joint Military. Pay System – Reserve Component (DJMS-RC) Master Military Pay Account (MMPA) for 2016
- DJMS-RC MMPA for 2017
- DJMS-RC MMPA for 2018
- DJMS-RC MMPA for 2019
- DJMS-RC MMPA for 2020
- DJMS-RC MMPA for 2021
- E-mail May 2020 through July 2023
- Advisory Opinion tasker

- Army Review Boards Agency (ARBA) letter
- DD Form 149 hardcopy for ABCMR Docket Number AR20240007417
- DD Form 149 online for ABCMR Docket Number AR20240007417
- DA Form 1380 for March 2023
- 55 Sustainment Brigade Memorandum, Subject: Performance of Additional Training Assembly duty for Staff Sergeant (SSG) M-, L- (the applicant)
- Integrated Personnel and Pay System - Army (IPPS-A) Personnel Action tracking
- DD Form 149 for ABCMR Docket Number AR20240013037
- E-mail

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 DA Form 5016 for the duty he performed in calendar years 2017, 2018 and 2019, the 55th Sustainment Brigade failed to record his drill performance for points only on DA Forms 1380. He also requests 4 additional retirement points for duty he performed on 4 and 5 March 2023. He is owed a cumulative 116 retirement points which he earned and the unit staff neglected to process his points only into his records.
3. A review of the applicant's service record shows:
 - a. With prior Regular Army enlisted service, on 24 February 2016, the applicant was honorably released from active duty for non-retention on active duty and assigned to the U. S. Army Reserve (USAR) Troop Program Unit. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 11-years, 9-months and 13-days of active service.
 - b. On 17 October 2021, the applicant reenlisted in the USAR indefinitely.
 - c. DA Form 5016 dated 10 March 2023 shows the applicant earned in RYE:
 - 8 February 2017 – 34 inactive duty points, 14 membership points, 16 active duty points for a total of 64 creditable points
 - 8 February 2018 – zero inactive duty points, 15 membership points, 21 active duty points for a total of 36 creditable points
 - 8 February 2019 – zero inactive duty points, 15 membership points, 26 active duty points for a total of 41 creditable points

- 8 February 2020 – 24 inactive duty points, 15 membership points, 20 active duty points for a total of 59 creditable points

4. The applicant provides:

a. Transmittal Letter History for fiscal year 2017 shows the applicant performed duty on:

- 7 through 8 January 2017 for the morning and afternoon periods
- 4 through 5 February 2017 for the morning and afternoon periods
- 7 through 9 April 2017 for the morning and afternoon periods
- 5 through 7 May 2017 for the morning and afternoon periods
- 3 through 4 June 2017 for the morning and afternoon periods
- 5 through 6 August 2017 for the morning and afternoon periods
- 9 through 10 September 2017 for the morning and afternoon periods

b. DA Form 5016 dated 4 February 2023 shows in RYE the applicant earned:

- 8 February 2017 – 34 inactive duty points, 14 membership points and 16 active duty points for a total of 64 creditable points
- 8 February 2018 – zero inactive duty points, 15 membership points and 21 active duty points for a total of 36 creditable points
- 8 February 2019 – zero inactive duty points, 15 membership points and 26 active duty points for a total of 41 creditable points
- 8 February 2020 – 24 inactive duty points, 15 membership points and 20 active duty points for a total of 59 creditable points

c. DA Form 1380 dated 21 April 2023 shows the applicant requested non-paid points for duty performed:

- 7 through 8 January 2017, the applicant performed 16-hours of duty for 4 points
- 4 through 5 February 2017, the applicant performed 16-hours of duty for 4 points
- 7 through 8 April 2017, the applicant performed 16-hours of duty for 4 points
- 9 April 2017, the applicant performed 8-hours of duty for 2 points
- 5 through 6 May 2017, the applicant performed 16-hours of duty for 4 points
- 7 May 2017, the applicant performed 8-hours of duty for 2 points
- 3 through 4 June 2017, the applicant performed 16-hours of duty for 4 points
- 5 through 6 August 2017, the applicant performed 16-hours of duty for 4 points

- 9 through 10 September 2017, the applicant performed 16-hours of duty for 4 points
- 14 through 15 October 2017, the applicant performed 16-hours of duty for 4 points
- 5 through 6 November 2017, the applicant performed 16-hours of duty for 4 points
- 1 through 2 December 2017, the applicant performed 16-hours of duty for 4 points

In block 9a (Location of Duties, Nature of Duties, Training or Instruction) states in the first entry only the location was 8831 John J. Kingman Road, Fort Belvoir, VA, Battle Assembly / Drill Duty. The DA Form 1380 was digitally signed on 22 April 2023 by the commander, Captain (CPT) P-M-.

d. DA Form 1380 dated 21 April 2023 shows the applicant requested non-paid points for duty performed:

- 5 through 6 January 2018, the applicant performed 16-hours of duty for 4 points
- 7 January 2018, the applicant performed 8-hours of duty for 2 points
- 1 through 2 February 2017, the applicant performed 16-hours of duty for 4 points
- 3 through 4 February 2018, the applicant performed 16-hours of duty for 4 points
- 10 through 11 March 2018, the applicant performed 16-hours of duty for 4 points
- 7 through 8 April 2018, the applicant performed 16-hours of duty for 4 points
- 19 through 20 May 2018, the applicant performed 16-hours of duty for 4 points
- 21 through 22 July 2018, the applicant performed 16-hours of duty for 4 points
- 11 through 12 August 2018, the applicant performed 16-hours of duty for 4 points
- 19 through 20 October 2018, the applicant performed 16-hours of duty for 4 points
- 21 October 2018, the applicant performed 8-hours of duty for 2 points
- 17 through 18 November 2018, the applicant performed 16-hours of duty for 4 points

In block 9a (Location of Duties, Nature of Duties, Training or Instruction) states in the first entry only the location was 8831 John J. Kingman Road, Fort Belvoir, VA, Battle Assembly / Drill Duty. The DA Form 1380 was digitally signed on 22 April 2023 by the commander, Captain (CPT) P-M-.

e. DA Form 1380 dated 21 April 2023 shows the applicant requested non-paid points for duty performed:

- 8 through 9 December 2019, the applicant performed 16-hours of duty for 4 points
- 12 through 13 January 2019, the applicant performed 16-hours of duty for 4 points
- 9 through 10 February 2019, the applicant performed 16-hours of duty for 4 points
- 7 through 8 March 2019, the applicant performed 16-hours of duty for 4 points
- 6 through 7 April 2019, the applicant performed 16-hours of duty for 4 points

In block 9a (Location of Duties, Nature of Duties, Training or Instruction) states in the first entry only the location was 8831 John J. Kingman Road, Fort Belvoir, VA, Battle Assembly / Drill Duty. The DA Form 1380 was digitally signed on 22 April 2023 by the commander, Captain (CPT) P-M-.

f. DJMS-RC MMPA for the years of 2016 through 2021 which shows the duty performed and paid both inactive duty and active duty.

g. E-mail traffic May 2020 through July 2023 which shows communication with the applicant's unit regarding his missing non-paid retirement points.

h. DA Form 1380 dated 4 March 2023 shows the applicant requested non-paid points for duty performed during the period of 4 through 5 March 2023 for 8-hours each day for 2 non-paid points each day providing direct unit support for Information Technology help desk and signal support functions at Fort Belvoir, VA. The DA Form 1380 was digitally signed on 10 March 2023 by the brigade S6, Warrant Officer One J-D-.

i. 55 Sustainment Brigade Memorandum dated 22 April 2024, Subject: Performance of Additional Training Assembly Duty for (the applicant) stated the applicant serves as the unit Satellite Communication Systems Noncommissioned Officer, he was required to support down trace and adjacent units with inspection, preventive maintenance, troubleshooting and analysis on various signal equipment. The activities could result in the use of one or more periods of inactive duty training, additional training assemblies, rescheduling of training for a unit training assembly. Prior approval was required for Soldiers to perform these types of duties and after the completion of the duty the Soldier or the supervisor must submit a DA Form 1380 to process applicable entitlements and account for the duties performed within the prescribed instructions. The applicant completed the prescribed duties on the DA Form 1380 which was signed and dated 10 March 2023. At the time the duty was performed the applicant believed the DA Form 1380 was already submitted for processing; however, recently he realized it was not.

j. IPPS-A personnel action tracking shows the action was requested for the correction of retirement points on 7 May 2024 which was returned without action on 10 May 2024 as the duty was performed outside the 180-day processing window.

5. On 24 October 2024, in the processing of this case, Headquarters (HQs), U. S. Army Reserve Command (USARC) provided an advisory opinion regarding the correction of his retirement points. The advisory official recommended the applicant be granted full relief. A review of his documents, it was determined he should be awarded four retirement points. The forms were submitted in a timely manner but did not get processed. A favorable opinion by the Army Review Boards Agency (ARBA) will allow the Readiness Division to update him record.

6. On 13 November 2024, in the processing of this case, HQs, USARC provided an advisory opinion regarding the applicant's request for the recalculation of his retirement points. The advisory official recommended relief should not be granted. A review of his documents determined retirement points should not be awarded. The applicant was outside the suspense to turn in a DA Form 1380. There was no proof the applicant completed the duty as stated. The duty was performed in 2017 and 2018 but the forms were not signed until 2023. The officer serving in a position to sign must have knowledge of the duties performed.

Additionally, the DA Forms 1380 provided were not filled out correctly; block 9d, should be a location and nature of the duties performed for each line. There should be a DA Form 1380 for each month of duty performed. In accordance with the regulation, the most retirement points that can be awarded in block 9c is two per day.

7. On 31 October 2024 and 14 November 2024, the ARBA Case Management Division provided the applicant the advisory opinions for review and comment.

8. On 18 November 2024, the applicant responded via e-mail stating:

a. According to the 55 Sustainment Brigade Standard Operating Procedures, it is not the responsibility of the Soldier to file DA Forms 1380 to the U. S. Army Human Resources Command (AHRC) when drilling for points only. It was the responsibility of the unit Human Resources (HR) section. The injustice was that the HR section did not file the forms at all. The advisory opinion official is assuming that the onus was on him to present properly formatted DA Forms 1380 to present to the Board. He could have just as easily provided a list of the duty performed in a memoranda format stating all the dates that was not correctly recorded.

b. He was not aware there was an error in his retirement points until April 2020, he promptly reported the issue to his HR section the following month. The e-mail traffic proves this.

c. The statement that there was no proof he completed the duty was false. The transmittal letter history shows the dates that were not capture on his DA Form 5016 where he drilled for no pay. He requested a complete electronic record covering all the days that were missed, but the HR section stated they did not have the records for the entire period. He was informed the records were deleted before the 5-year cutoff. This breaches the Army policy for records retention.

d. The duty he performed in 2017 and 2018 with the DA Forms 1380 signed in 2023, the e-mail correspondence shows where he attempted extensively to work the issue through his HR section to the U. S. AHRC beginning in May 2020. He took it on good faith the issue was remedied at the time, but later found out the correction was not completed which caused him to again attempt to resolve the issue by generating a new DA Form 1380 that was signed in 2023.

e. He was not aware that the officer who signed the DA Form 1380 must have knowledge of the duty performed. He can attempt to make contact with the individual and provide affidavits from the officer in charge during the period of 2017 through 2018.

f. In correctly filled out DA Forms 1380, the forms were completed under the direction of his unit HR Noncommissioned Officer. He followed the verbal instruction when he created the forms for signature and processing. The forms were reviewed by the 99th Readiness Division and no correction in the format was mentioned before he submitted them as part of his application to ARBA. He can recreate the formed in the proper format if the Board wishes.

BOARD DISCUSSION:

1. 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 the U.S. Army Reserve Command's advising official and non-concurred with the advising official to award the applicant four (4) retirement points. The Board concluded the applicant performed duty for the RYEs and should be awarded the credit for duty performed totaling 108 points.

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

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

- 8 February 2017 – 8 retirement points
- 8 February 2018 – 50 retirement points
- 8 February 2019 – 74 retirement points
- 8 February 2020 – 16 retirement points
- 8 February 2024 – 4 retirement points


X //SIGNED//

CHAIRPERSON

Signed by:

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//