

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2025

DOCKET NUMBER: AR20240007607

APPLICANT REQUESTS:

- correction of her DA Form 5016 (Retirement Accounting Statement to reflect she obtained in Retirement Year Ending (RYE):
  - 27 October 2010 - 16 additional non-paid retirement points
  - 27 October 2017 – 3 additional non-paid retirement points
  - 27 October 2022 – 10 additional paid retirement points
  - 27 October 2023 – 8 additional paid retirement points
- personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record) times three
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 1 December 2010 for 2010
- DA Form 1380 dated 9 March 2017 for 9 February 2017
- DA Form 1380 dated 26 October 2017 for 24 through 25 October 2017
- Leave and Earnings Statement dated 2 December 2022
- Leave and Earnings Statement dated 7 December 2022
- DA Form 5016 dated 22 December 2022
- Leave and Earnings Statement dated 22 March 2023
- Leave and Earnings Statement dated 14 April 2023
- DA Form 1380 for 1 and 25 March 2010
- DA Form 1380 for 5 May 2010
- DA Form 1380 for 21 June 2010
- DA Form 1380 for 12 July 2010
- DA Form 1380 for 31 August 2010
- DA Form 1380 for 7 and 8 October 2010
- Headquarters (HQs), U. S. Army Special Operations Command, Memorandum, Subject: Request for Records Corrections Drill Dates
- E-mail from 7th Mission Support Command

- DA Form 5016 dated 18 April 2024

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 she performed the duty but did not receive credit on her DA Form 5016 which will impact her retirement benefits. She is currently going through the Medical Evaluation Board process and she will not be able to retire until her DA Form 5016 is corrected. Some of the duty was performed for non-paid retirement points and some were paid retirement point for which she was paid but the retirement points did not reflect on her DA Form 5016.
3. A review of the applicant's service record shows:
  - a. On 9 February 1989, the applicant enlisted in the Regular Army.
  - b. On 9 February 1989, Orders Number 28-001, issued by the Military Entrance Processing Station, the applicant was ordered to active duty effective 9 February 1989.
  - c. On 1 May 1992, the applicant was honorably released from active duty for the convenience of the government Early Transition Program. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 3-years, 2-months and 23-days of active service.
  - d. On 9 October 1996, the applicant reenlisted in the U. S. Army Reserve (USAR) and had continuous service through reenlistments.
  - e. On 22 July 2002, Orders Number 02-203-007, issued by HQs, 70th Regional Support Command, the applicant was assigned to the USAR Control Group (Reinforcement) effective 17 July 2002.
  - f. On 8 October 2002, Orders Number D-10-240968, issued by the USAR Personnel Command, the applicant was honorably discharged from the USAR effective 8 October 2002.
  - g. On 9 October 2002, the applicant enlisted in the USAR and reenlisted indefinitely on 2 April 2006.

h. DD Form 214 shows the applicant was ordered to active duty effective 1 November 2006 in support of Operation Enduring Freedom. She was honorably released from active duty on 18 March 2009. It also shows she completed 2-years, 4-months and 18-days of active service.

i. On 25 September 2009, Orders Number C-09-917106, issued by the U. S. Army Human Resources Command (AHRC), the applicant was assigned to the USAR Control Group (Reinforcement) effective 21 September 2009.

j. DA Form 5016 dated 9 September 2024 shows the applicant earned in RYE:

- 27 October 2010 – 8 inactive duty points, 15 membership points and 12 active duty points for a total of 35 creditable points
- 27 October 2017 – 31 inactive duty points, 15 membership points and 12 active duty points for a total of 58 creditable points
- 27 October 2022 – 10 inactive duty points, 15 membership points and zero active duty points for a total of 25 creditable points
- 27 October 2023 – 58 inactive duty points, 15 membership points and zero active duty points for a total of 73 creditable points

The Annual Detail Supplement of the Retirement Accounting Statement shows the applicant earned two paid retirement points for each day of duty on:

- 5 November 2022
- 6 November 2022
- 14 November 2022
- 15 November 2022

k. DA Form 5016 dated 26 November 2024 shows the applicant earned in RYE:

- 27 October 2010 – 8 inactive duty points, 15 membership points and 12 active duty points for a total of 35 creditable points
- 27 October 2017 – 31 inactive duty points, 15 membership points and 12 active duty points for a total of 58 creditable points
- 27 October 2022 – 10 inactive duty points, 15 membership points and zero active duty points for a total of 25 creditable points
- 27 October 2023 – 58 inactive duty points, 15 membership points and zero active duty points for a total of 73 creditable points
- 27 October 2024 – 38 inactive duty points, 15 membership points and zero active duty points for a total of 53 creditable points

l. Soldier Management Services - WEB Portal (SMS WEB) Retirement Point shows the applicant earned two retirement points each day for the performance of inactive duty

for training on 25 May, 21 June and 31 August 2010. This conflicts with the applicant's request for additional retirement points.

m. Soldier Management Services - WEB Portal (SMS WEB) Transactions screenshot shows the applicant submitted her DA Form 1380 to the U. S. AHRC on multiple occasions.

4. The applicant provides:

a. DA Form 1380 dated 1 December 2010 which lined out 1 December 2011 shows the applicant requested non-paid points for performing the duties of the Individual Mobilization Augmentee (IMA) position, European Command, Patch Barracks, Germany on:

- 1 March 2010 for 8-hours to be awarded two non-paid retirement points
- 25 March 2010 for 8-hours to be awarded two non-paid retirement points
- 25 May 2010 for 8-hours to be awarded two non-paid retirement points
- 21 June 2010 for 4-hours to be awarded one non-paid retirement point
- 12 July 2010 for 8-hours to be awarded two non-paid retirement points
- 31 August 2010 for 4-hours to be awarded one non-paid retirement point
- 7 October 2010 for 8-hours to be awarded two non-paid retirement points
- 8 October 2010 for 8-hours to be awarded two non-paid retirement points

The DA Form 1380 was digitally signed by Sergeant First Class P-T-, HQs, U. S. European Command IMA Manager as the officer who had knowledge of the duty performed.

b. DA Form 1380 dated 9 March 2017 shows the applicant requested non-paid retirement points for her duty on 9 February 2017 completing 4-hours performing the duties of the IMA at Forces Command (FORSCOM), Fort Bragg, NC for one non-paid retirement points. The DA Form 1380 was digitally signed on 11 March 2017 by P-P-, Drilling IMA Manager as the officer who had knowledge of the duty performed.

c. DA Form 1380 dated 26 October 2017 which shows the applicant requested non-paid retirement points performing 4-hours of duty each day for one non-paid retirement point for each day performing the duties of an IMA. The DA Form 1380 was digitally signed on 16 February 2018 by A-R-, the FORSCOM Drilling IMA Manager as the officer who had knowledge of the duty performed.

d. Leave and Earnings Statement dated 2 December 2022 shows the applicant performed inactive duty for training on 5 April 2022, 5 May 2022 and 10 through 11 September 2022 for a total of 8 paid retirement points.

e. Leave and Earnings Statement dated 7 December 2022 shows the applicant performed inactive duty for training on 5 through 6 November 2022 for a total of 4 paid retirement points.

f. DA Form 5016 dated 22 December 2022 shows the applicant earned in RYE:

- 27 October 2010 – 8 inactive duty points, 15 membership points and 12 active duty points for a total of 35 creditable points
- 27 October 2017 – 31 inactive duty points, 15 membership points and 12 active duty points for a total of 58 creditable points
- 27 October 2022 – zero inactive duty points, 15 membership points and zero active duty points for a total of 15 creditable points

g. Leave and Earnings Statement dated 22 March 2023 shows the applicant performed inactive duty for training on 6 April 2022 for 2 paid retirement points.

h. Leave and Earnings Statement dated 14 April 2023 shows the applicant performed inactive duty for training for the period of 14 through 16 November 2022 for a total of 6 paid retirement points.

i. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 8-hours each day for 2 non-paid retirement points each day performing the duties of the IMA position in U. S. Army European Command (USAEUCOM), Patch Barracks, Germany on 1 and 25 March 2010. The DA Form 1380 was digitally signed on 11 January 2024 by Lieutenant Colonel LTC) B-R-, Intermediate Level Education (ILE) Instructor as the officer who had knowledge of the duty performed.

j. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 8-hours of duty on 5 May 2010 performing the duties of the IMA position, USAEUCOM, Patch Barracks, Germany for two non-paid retirement points. The DA Form 1380 was signed by LTC B-R-, ILE Instructor as the officer who had knowledge of the duty performed.

k. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 4-hours of duty on 21 June 2010 performing the duties of the IMA position, USAEUCOM, Patch Barracks, Germany for one non-paid retirement point. The DA Form 1380 was signed by LTC B-R-, ILE Instructor as the officer who had knowledge of the duty performed.

l. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 8-hours of duty on 12 July 2010 performing the duties of the IMA position, USAEUCOM, Patch Barracks, Germany for two non-paid retirement points.

The DA Form 1380 was signed by LTC B-R-, ILE Instructor as the officer who had knowledge of the duty performed.

m. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 4-hours of duty on 31 August 2010 performing the duties of the IMA position, USAEUCOM, Patch Barracks, Germany for one non-paid retirement point. The DA Form 1380 was signed by LTC B-R-, ILE Instructor as the officer who had knowledge of the duty performed.

n. DA Form 1380 dated 7 January 2024 shows the applicant requested non-paid retirement points for 8-hours of duty each day during the period of 7 through 8 October 2010 performing the duties of the IMA position, USAEUCOM, Patch Barracks, Germany for two non-paid retirement points for each day. The DA Form 1380 was signed by LTC B-R-, ILE Instructor as the officer who had knowledge of the duty performed.

o. HQs, U. S. Army Special Operations Command Memorandum dated 8 January 2024, Subject: Request for Records Corrections Drill Dates states that due to an oversight the applicant's DA Forms 1380 were not properly processed to add retirement points to her records in a timely manner. An amendment should reflect she performed IMA duties with FORSCOM of 4-hours on 9 February 2017 and 8-hours on 24 October 2017.

p. E-mail from the 7th Mission Support Command shows LTC B-R- signed the applicant's DA Forms 1380 from duty performed in 2010.

q. DA Form 5016 dated 18 April 2024 shows the applicant earned in RYE:

- 27 October 2010 – 8 inactive duty points, 15 membership points and 12 active duty points for a total of 35 creditable points; should have 14 additional non-paid points
- 27 October 2017 – 31 inactive duty points, 15 membership points and 12 active duty points for a total of 58 creditable points; should have 3 additional non-paid points
- 27 October 2022 – zero inactive duty points, 15 membership points and zero active duty points for a total of 15 creditable points; should have three additional non-paid points
- 27 October 2023 – 54 inactive duty points, 15 membership points and zero active duty points for a total of 69 creditable points; should have four additional non-paid points

5. On 3 December 2024, in the processing of this case, the U. S. AHRC provided an advisory opinion regarding the correction of her DA Form 5016. The advisory official stated the regulation requires the submission of DA Form 1380 no later than the end of

each month the duty is performed. The DA Forms 1380 provided by the applicant for the duty performed in 2010 and 2017 were not submitted to U. S AHRC in 2023; they were incorrectly prepared and not submitted in a timely manner. The retirement points cannot be awarded without direction from the Army Review Boards Agency (ARBA).

The applicant also requests retirement points for paid duty performed in 2022. Her DA Form 5016 currently reflects this duty, so no relief is warranted.

6. On 17 December 2024, the ARBA Case Management Division provided the applicant the advisory opinion for review and comment.

7. On 2 January 2025, the applicant responded via e-mail stating in response to the advisory opinion, all the DA Forms 1380 were submitted correctly and on time through her chain of command, but the retirement points were not awarded. She provided a statement as supporting evidence. She also resubmitted the original supporting documents.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available DA Form 1380's reflected an approving official signature for duties performed, the Board concluded that awarding additional retirement point credit for duties performed on

- 27 October 2010 - 16 additional non-paid retirement points
- 27 October 2017 – 3 additional non-paid retirement points
- 27 October 2022 – 10 additional paid retirement points
- 27 October 2023 – 8 additional paid retirement points

is appropriate and should be executed. For that reason, the Board recommended granting the requested relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by amending the applicant's record by adding the following retirements points to the applicant's DA Form 5016:

- 27 October 2010 - 16 additional non-paid retirement points
- 27 October 2017 – 3 additional non-paid retirement points
- 27 October 2022 – 10 additional paid retirement points
- 27 October 2023 – 8 additional paid retirement points

X **//SIGNED//**  
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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//