

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 March 2025

DOCKET NUMBER: AR20240008213

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to show retirement points from September 2020 – March 2022:

- Retirement Year Ending (RYE) 24 July 2021 – 32 retirement points
- RYE: 24 July 2022 -16 retirement points

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

- DD Form 149 (Application for Correction of Military Record)
- Email communication – advising the applicant to submit his request for points correction to this Board
- Memorandum – Subject: Letter of Lateness, 7 March 2024, reflective of the periods omitted from the applicant's current points credit history
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training), reflective of the applicant's performance of qualifying service for points only on:
 - 18-19 September 2020 (8 hours per day = 4 points total)
 - 5-6 December 2020 (8 hours per day = 4 points total)
 - 9 January 2021 (8 hours = 2 points total)
 - 27 February 2021 (8 hours = 2 points total)
 - 13-14 March 2021 (8 hours per day = 4 points total)
 - 10-11 April 2021 (8 hours per day = 4 points total)
 - 6-9 May 2021 (8 hours per day = 8 points total)
 - 5-6 June 2021 (8 hours per day = 4 points total)
 - 8-9 November 2021 (8 hours per day = 4 points total)
 - 4-5 December 2021 (8 hours per day = 4 points total)
 - 29-30 January 2021 (8 hours per day = 4 points total)
 - 5-6 March 2022 (8 hours per day = 4 points total)

All DA Forms 1380 are digitally endorsed by the applicant's commander on 14 March 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 in pertinent part that he did not receive qualifying service credit for duty performed for points only between September 2020 – March 2022
3. A review of the applicant's available service records reflects the following:
 - 14 August 2004 – released from active duty and transferred into the U.S. Army Reserve Control Group (Reinforcement)
 - 9 February 2006 (Orders Number C-02-603899) – transferred into a Troop Program Unit, effective 8 February 2006
 - 14 April 2017 (Orders Number 17-104-00028) – reassigned the applicant to the 417th Regiment, 2nd Battalion, Detachment 2, effective 14 April 2017
 - 8 March 2022 (Orders Number 22-067-00010) – reassigned the applicant to the 2nd Movement Control Team Detachment, 2nd Brigade, effective 1 April 2022
4. A review of DA Form 5016 dated 13 March 2025, reflects the following retirement points:
 - 25 July 2020 – 24 July 2021 – 33 points total (comprised of 4 Inactive Duty Training (IDT), 15 membership, and 14 Active Duty Training (ADT) points)
 - 25 July 2021 – 24 July 2022 – 24 points total (comprised of 16 IDT, 15 membership, and 3 ADT points)
5. On 7 March 2025, Headquarters, U.S. Army Reserve Command, Retirement Services Officer, provider an advisory opinion recommending approval of the applicant's request noting that he should be awarded 48 additional retirement points.
6. On 12 March 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board majority 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 and standard review based on law, policy and regulation. One possible outcome was to deny the relief based upon signatures

provided during a period of training not observed. However, upon review of the applicant's petition, available military record and Headquarters, U.S. Army Reserve Command, Retirement Services Officer advisory opinion, the Board majority concurred with the advisory official finding the applicant provided substantiating evidence to show performance of qualifying service for points. The Board majority agreed that there was sufficient documentation to warrant relief in this case by awarding the applicant retirement points for the periods of Retirement Year Ending (RYE) 24 July 2021 – 32 retirement points and RYE: 24 July 2022 -16 retirement points, for a total of 48 points.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	:	:	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 retirement points for the periods of Retirement Year Ending (RYE) 24 July 2021 – 32 retirement points and RYE: 24 July 2022 -16 retirement points, for a total of 48 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.

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 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records) prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers. Paragraph 3-3 (DA Form 1380) provides that 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. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry in ADARS for the month's report and then placed in the appropriate Army records information management system file. Nonpaid DA Forms 1380 will not be entered into ADARS and will be forwarded to AHRC for award of retirement points no later than the end of each duty month.

a. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component (RC) member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting. The AYE is much like a Reserve Soldier's "Anniversary" date and is a primary date captured in the Retirement Points Accounting System (RPAS). The anniversary year periods listed on the DA Form 5016 are calculated from an anniversary date. The criteria for establishing the service requirement for a satisfactory year of service for non-regular retirement per Department of Defense Instruction 1215.07 and changing the anniversary year ending date are as follows:

b. The full-year periods used for the crediting of qualifying years for non-regular retirement must be based on the anniversary years. Anniversary year periods are calculated from an anniversary date. The anniversary date is the date the service member entered active service or active status in a RC.

c. Paragraph 2–2, states retirement points may be earned by USAR Soldiers for Active Duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), annual training (AT), and IDT. Types of IDT are:

- regularly scheduled unit training includes Unit Training Assemblies (UTA), and MUTA
- Regularly Scheduled Training (RST) other than UTA/MUTA
- make up assemblies for missed UTA/MUTA due to AT
- Equivalent Training (ET) in lieu of scheduled UTA/MUTA or RST
- additional training assemblies (ATA)
- two-hour unit training assemblies
- training of individual Soldiers in non-pay status.

d. Paragraph 2–4 states, 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. Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points:

- one point for each scheduled 4-hour period of IDT at UTA, RST, ET, ATA, or make up assembly maximum of 2 points in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used, except in the case of 2-hour unit training assembly's maximum of 1 point in 1 calendar day
- one point for each 2 hour or greater period
- two-hour aggregates of shorter periods may be used except in the case of 2-hour unit training assemblies
- award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8, maximum of 2 points in 1 calendar day
- points may not be awarded under more than one of the rules above during any single calendar day
- Soldiers may not perform more than 48 BAs per fiscal year. Soldiers must perform RST within 60 days of the missed BA.

//NOTHING FOLLOWS//