

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2025

DOCKET NUMBER: AR20240008327

APPLICANT REQUESTS: in effect –

- correction of his DA Form 5016 (Retirement Accounting Statement) to show he was awarded retirement points for Active Duty for Training (ADT) performed in 2011; and as a result,
- to be issued a Notification of Eligibility for Retired Pay (15-Year Letter)

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number T-06-129921 dated 10 June 2011, which ordered the applicant to ADT for 45 days with a report of 4 July 2011
- AHRC Form 3924 (Individual Active Duty Certificate of Performance) dated 28 July 2011, which shows he completed 27 days of ADT from 4 to 30 July 2011
- Orders Number T-07-132494 dated 21 July 2011, which ordered the applicant to ADT for 45 days with a report of 28 August 2011
- AHRC Form 3924 dated 23 September 2011, which shows he completed 29 days of ADT from 28 August 2011 to 25 September 2011
- Office of the Deputy Chief of Staff G-1 Memorandum - Subject: Exception to Policy (ETP) to Army Regulation (AR) 140-185, dated 14 November 2023, which shows:
 - the applicant's request for an ETP to AR 140-185, paragraph 3-3(b), to allow "units to forward the non-paid DA Forms 1380 to their supporting U.S. Army Reserve Readiness Division no later than 6 months from the performance of the duty" was approved
 - the exception was effective immediately and expires two years from the date issued, unless earlier revoked, withdrawn, superseded or revision of AR 140-185

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 is currently in the U.S. Army Reserve (USAR) and his DA Form 5016 is missing ADTs from the year 2011
- He is missing one good year of non-regular retirement
- With the addition of this one good year to his record he should subsequently receive a 15-year Notification of Eligibility for Retirement letter
- During his active duty time, he was unaware of the DA Form 5016
- His DA Form 5016 was previously updated with two additional ADTs from his Individual Ready Reserve (IRR) time during medical school; however, the aforementioned ADTs from 2011 were not uploaded and corrected accordingly
- He was a direct commission into the IRR through Health Professions Scholarship Program (HPSP) and was in IRR status during his time in medical school (2008-2012), with the exception of four ADTs completed during that time
- After medical school he was active duty from 4 June 2012 to 30 June 2021, and has been in the Reserves since without any interruption in service
- The ADT orders are in Interactive Personnel Electronic Management System (iPERMS)
- He was recently informed that in accordance with (IAW) AR 140-185 and Department of the Army G-1 ETP Memorandum dated 14 November 2023, Integrated Personnel and Pay System - Army personnel are unable to process the request since it was not submitted within 6 months from the performance of duty; the ETP memorandum will also be attached for review

3. A review of the applicant's service records show:

- On 26 November 2008, DA Form 71 (Oath of Office – Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office
- On 10 June 2011, Orders T-06-129921 ordered the applicant to ADT for 45 days with a report date on 4 July 2011; the purpose shows HPSP
- On 21 July 2011, Orders T-07-132494 ordered the applicant to ADT for 45 days with a report date on 28 August 2011; the purpose shows HPSP
- On 3 May 2012, Orders Number A05299143 tendered the applicant an appointment in the U.S. Army and ordered him to active duty on the date he executed the oath of office
- On 3 June 2012, DA Form 71 shows the applicant was appointed in the Regular Army Medical Corps, in the rank/grade of captain (CPT)O-3, and executed his oath of office

- On 30 June 2021, the applicant was honorably released from active duty and transferred to his USAR unit; he completed 9 years and 27 days of net active service
- On 14 November 2023, the Deputy Chief of Staff G-1 approved the applicant for an ETP to AR 140-185. The DCS G-1 stated, the applicant's request for an ETP to AR 140-185, paragraph 3-3(b), to allow "units to forward the non-paid DA Forms 1380 to their supporting USAR Readiness Division no later than 6 months from the performance of the duty" is approved
 - this exception is effective immediately and expires two years from the date issued, unless earlier revoked, withdrawn, superseded or revision of AR 140-185
- DA Form 5016 dated 25 December 2024, shows the applicant's total career retirement points earned as: 178 inactive duty training, 51 membership points, 3439 active duty training points, 15 years Qualifying for Retirement, 3668 points earned, and 3668 points creditable; in relevant part, the form also shows for the completed anniversary years:
 - 26 November 2010 to 25 November 2011 – he earned no points
 - 26 November 2011 to 3 June 2012 – he earned no points

4. On 10 March 2025, Headquarters, U.S. Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion for this case and recommended granting full administrative relief. The USARC advisory official states, USARC reviewed the applicant's documents and determined he should be awarded 56 retirement points in accordance with AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) which defines the exception authority as being Deputy Chief of Staff (DCS), G-1. The applicant has a signed memorandum from DCS, G-1 however AR 140-185 has been revised since the DCS G-1 signature. The required authority remains the same, so it is the opinion of the USARC Military Services Office that the applicant should be awarded the points. Full administrative relief granted.

5. On 12 March 2025, the applicant was provided with a copy of the USARC advisory opinion to allow comments or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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.

- a. Correction of his DA Form 5016 (Retirement Accounting Statement) to show he was awarded retirement points for Active Duty for Training (ADT) performed in 2011. Grant. Upon review of the applicant's petition, available military record and the Headquarters, U.S. Army Reserve Command (USARC), Retirement Services Officer advisory opinion, the Board partially concurred with the advising official recommendation finding the applicant should be awarded 50 retirement points for completion of the Health Professions Scholarship Program in which the applicant provided a certificate of completion for 27 days of duty performed from 4 July 2011 to 30 July 2011, for a total of 50 retirement points.
- b. To be issued a Notification of Eligibility for Retired Pay (15-Year Letter). Deny. The Board noted statutory guidance notes Reserve Component Soldiers in an active status who have fifteen years of qualifying service, and less than 20, computed under 10 USC 12732, if the individual is to be separated because the Soldier has been determined unfit for continued Selected Reserve service and have at least 15 and fewer than 20 years of qualifying service will be issued the Notification of Eligibility for Retired Pay (15-Year Letter). The Board also noted, the applicant does not meet this criteria and therefore denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
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:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show correction the applicant's DA Form 5016 showing he was awarded 50 non-paid retirement points performed in 2011.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to issuing a Notification of Eligibility for Retired Pay (15-Year Letter).



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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 (USC), 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 135-180 (Retirement for Regular and Non-Regular Service) prescribes policy and procedures governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard, Army National Guard of the United States, and the U.S. Army Reserve.
 - a. Paragraph 2-5 (Notification of eligibility for retired pay (15-Year Letter)) states, under Title 10, USC, section 12731(f)(3), Reserve Component Soldiers in an active status who are covered by paragraph 2-2b (Fifteen years of qualifying service, and less than 20, computed under 10 USC 12732, if the individual is to be separated because the Soldier has been determined unfit for continued Selected Reserve service, and none of the conditions in 10 USC 12731b(b) exist) and have at least 15 and fewer than 20 years of qualifying service will be issued the Notification of Eligibility for Retired Pay (15-Year Letter). The Notification of Eligibility for Retired Pay (15-Year Letter) will be issued by Commanding General, HRC for USAR Soldiers. The Notification of Eligibility for Retired Pay (15-Year Letter) will be issued in the format determined by HRC.
 - b. Paragraph 2-6 (Retirement point statements) states, Soldiers will review their retirement point statement annually and provide supporting documents to correct any deficiencies through their chain of command to HRC in accordance with AR 140-185. Orders, by themselves, are not substantiating documents and will only be used when they support other source documents listed in this paragraph. Soldiers should be counseled and advised to retain copies of all retirement point statements and/or NGB Forms 23 and related documents. Retirement point statements, NGB Forms 23 and the Reserve Retirement Repository are valid sources for retirement service validation. Soldiers who require assistance with this matter should initiate requests through their unit.
3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), effective 3 August 2018, contains Army policy for U.S. Army Reserve (USAR) training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. In pertinent part:
 - a. Paragraph 1-4 states, the Deputy Chief of Staff (DCS), G-1 (DCS, G-1) will ensure that the Commanding General, U.S. Army Human Resources Command —

(1) Certify and verify all retirement points accounting applications. (2) Prescribe policies and procedures to record and verify retirement points awarded to all USAR Soldiers. (3) Provide a monthly Regional Level Application Software status report listing accepted and rejected retirement update/correction transactions to the U.S. Army Reserve Command (USARC). The report should include the name of Soldier, unit identification code, rejection code, if applicable, transaction date, anniversary year beginning and ending dates, and amount of retirement points. (4) Provide DA Form 5016 (Chronological Statement of Retirement Points) to current and former USAR Soldiers utilizing HRC's self-service portal.

b. Paragraph 1-7 (Service requirement for a satisfactory year of service for non-regular retirement) states, a qualifying year of service for non-regular retired pay is a full year during which a Reserve Component 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.

c. Paragraph 2-1 (Criteria for crediting retirement points) states, the limitations on the number of points that may be credited to a Soldier during an anniversary year are —

- Maximum—365 (366 during leap year) points.
- No more than one retirement point may be awarded for any day in which the Soldier is on active duty. A Soldier in active service may not receive retirement points for other activities performed concurrently.
- Retirement points credited for activities other than active service or funeral honors duty may not exceed for anniversary years closing on or after 30 October 2007: 130 retirement points.

d. A maximum of two retirement points may be awarded in 1 calendar day for any activity or combination of activities.

e. 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 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.

f. Paragraph 2-4 (Criteria for awarding retirement points) states, personnel on active duty, ADT, IADT, involuntary ADT, or AT are awarded one 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.

g. Paragraph 3-3b (DA Form 1380) states, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training (ET) 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 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 Army Human Resources Command (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 Integrated Personnel Electronic Records Management System (iPERMS) by the unit of assignment per AR 600-8-104 (Army Military Human Resource Records Management).

h. Paragraph 3-5 (DA Form 5016) states, these statements — (1) Provide a permanent record of the total retirement points Soldiers earn during an anniversary year. (2) Inform Soldiers whether they earned sufficient points for a qualifying year for retirement or retention in an active status. (3) Provide Soldiers an opportunity to review their retirement points to request corrections.

i. Paragraph 3-5b states, DA Form 5016 will be — (1) Prepared by HRC from the processing of data furnished manually and utilizing automation. (2) Prepared for Soldiers under HRC command to include obligated enlisted Soldiers who have earned at least one retirement point. (3) Prepared to cover a full anniversary year of ADT or active duty. (4) Prepared for all Soldiers regardless of the number of points awarded. (5) Issued annually and upon correction to a record.

4. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), currently in effect, provides in:

a. Chapter 3 (Records Source Documents), paragraph 3-1, the following are used to maintain and record the award and entitlement of retirement points described in paragraphs 3-2 through 3-7. Units of assignment are responsible to ensure source documents are uploaded into iPERMS prior to submission of action to adjust a Soldier's retirement points. (See AR 600-8-104 for a sample list of appropriate documentation.) This will ensure proper validation of retirement points throughout a Soldier's career.

- The ATRRS training transcript
- DD Form 214 (Certificate of Uniformed Service)
- DD Form 215 (Correction to DD Form 214/214-1 Certificate of Uniformed Service)
- DD Form 4 (Enlistment/Reenlistment Document—Armed Forces of the United States)
- DA Form 71 (Oath of Office—Military Personnel)
- Service academy transcripts
- DD Form 220 (Active Duty Report)
- Master military pay account

- Defense Finance and Accounting Service (DFAS) Form 702 (Defense Finance and Accounting Service Military Leave and Earnings Statement)
- DA Form 1379
- DA Form 1380
- DA Form 5016
- The Reserve retirement repository

b. Paragraph 3-3 (DA Form 1380) states, the purpose of DA Form 1380 is to record IDT by — (1) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster. (2) TPU Soldiers attached to another USAR unit for 89 or fewer days. In such cases the unit of attachment will prepare DA Form 1380 and forward to unit of assignment for recording attendance. (3) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPUs, Army National Guard units, or to another Service or component for training per AR 140-10. Only attached Soldiers are authorized to perform IDT with the exception of one annual physical health assessment each for medical and dental readiness when authorized by the command prior to the event. (4) Non-unit Soldiers performing other IDT for retirement point credit as outlined in table 2- 4.

c. Paragraph 3-3b states, 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 ARIMS file. Nonpaid DA Form 1380s will not be entered into ADARS. Nonpaid DA Form 1380s must be digitally signed with time-date stamp and submitted to HRC for IMA/IRR and to the Readiness Division (RD) for TPU for award of retirement points no later than 90 days from date the duty was performed. For example, duty performed on 21 January 2022, DA Form 1380 must be signed and submitted to the appropriate organization no later than 20 April 2022. DA Form 1380 will be digitally signed with time/date stamp.

//NOTHING FOLLOWS//