

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 March 2025

DOCKET NUMBER: AR20240008407

APPLICANT REQUESTS: correction of his DA Form 5016 (Retirement Accounting Statement) to reflect he was awarded additional retirement points for duty and training for Retirement Year Ending (RYE) 4 February 2022 and RYE 13 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- 2 DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Memorandum; Subject: Exception to Policy to Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records)

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 documentation for the duty performed was not submitted for points only.
3. A review of the applicant's service record shows:
 - a. He enlisted in the United States Army Reserve (USAR) on 5 February 2015. On 16 March 2015 he was ordered to initial active duty for training, completed advanced individual training, and was awarded the military occupational specialty of cargo specialist (88H). His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was released from active duty on 24 July 2015 and completed 4 months and 9 days of active service this period.
 - b. On 8 January 2017, he was ordered to active duty for training. His DD Form 214 shows on 19 April 2017 he was released from active duty (REFRAD).

c. On 20 April 2017, he was appointed as a Reserve Commissioned Officer and he subsequently executed an Oath of Office the same day.

d. Orders Number UH-021-0002 issued by the 311th Sustainment Command (Expeditionary) dated 21 January 2022 ordered him to active duty in support of Operation Inherent Resolve with a report date of 11 April 2022. His DD Form 214 shows he completed 10 months and 27 days of net service and was REFRAD on 7 March 2023.

e. DA Form 5016 dated 13 November 2024 shows:

- (1) for the RYE 4 February 2022 he earned 64 inactive duty (IDT) points, 15 membership points, and 23 active-duty points for a total of 102 creditable points
- (2) for the RYE 13 November 2022 he earned 4 IDT points, 15 membership points, and 242 active-duty points for a total of 258 creditable points

4. The applicant provides:

a. Two DA Forms 1380 dated 15 May 2024 that shows he performed 32 hours of duty for 8 retirement points on:

- 18 January 2022; 4 hours; 1 retirement point
- 16 – 18 March 2022; 12 hours; 3 retirement points
- 21 – 24 March 2022; 16 hours; 4 retirement points

b. An exception to policy (ETP) memorandum issued by the Office of the Deputy Chief of Staff, G-1 on 14 November 2023 to the Commander, USAR Command at Fort Liberty, North Carolina that states “your 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 (RD) no later than 6 months from the performance of the duty is approved.”

5. The applicant’s record does not contain evidence of receipt of submission for a DA Form 1380 for the period requested.

6. On 3 February 2025, Headquarters, U.S. Army Reserve Command, (USARC) a Retirement Services Officer, provided an advisory opinion pertaining to retirement points credit. USARC reviewed the applicant’s documents and determined the applicant should be awarded eight points in accordance with AR 140-185. The Soldier did not turn in the DA Forms 1380 in a timely manner, but duty was performed. A favorable decision by ARBA would allow the RD to update the record. Full administrative relief granted.

7. On 3 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not 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. Upon review of the applicant's petition, available military records and Headquarters, U.S. Army Reserve Command, (USARC) a Retirement Services advisory opinion, the Board concurred with the advising official finding the applicant should be awarded eight (8) additional retirement points in accordance with Army Regulation 140-185. Based on the totality of evidence, including verified duty performance, command endorsement, and the approved ETP, the Board found the applicant has demonstrated by a preponderance of evidence that an error occurred. Therefore, the Board granted full relief for correction of the applicant's DA Form 5016 to reflect the award of eight additional retirement points, appropriately distributed across RYE 4 February 2022 and RYE 13 November 2022.

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 the Army records of the individual concerned be corrected to show the applicant should be awarded eight (8) additional retirement points, appropriately distributed across RYE 4 February 2022 and RYE 13 November 2022, in accordance with Army Regulation (AR) 140-185.

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. AR 140-185, (Training and Retirement Points Credits and Unit Level Strength Account Records), contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting. It states:
 - a. 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 servicemember entered into active service or active status in a Reserve Component.
 - b. The month and date for each successive anniversary year will not be adjusted unless the servicemember has a break in service. When a servicemember with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date will be the date of return or reentry.

c. A qualifying year of service for non-regular retired pay is a full year during which the 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.

d. 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

e. 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 the U.S. Army Human Resources Command for award of retirement points no later than the end of each duty month.

//NOTHING FOLLOWS//