

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 March 2025

DOCKET NUMBER: AR20240008416

APPLICANT REQUESTS:

- correction of his DA Form 5016 (Retirement Accounting Statement) to show he earned 2 retirement points for Retirement Year Ending (RYE) 28 September 2015
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) dated 31 October 2023
- Memorandum, Subject: Captain (CPT) J.P. Equivalent Training dated 9 November 2023
- DA Form 5016 dated 17 May 2024
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 2 August 2024
- New Jersey States Police Academy Syllabus and New Jersey Police Academy Transcript

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:

a. In Fiscal Year (FY) 2014 (14), he was attending the New Jersey State Police Academy in Sea Girt, New Jersey. During that time, he was assigned to the 363rd Military Police Company as a Military Police Officer. It was in agreement that he would be completing equivalent training for points only to ensure that he acquired enough retirement points for a good year. He has attached a DA Form 1380 signed by the

commander at the time, now Major (MAJ) S.O. and a memorandum signed by the same person, stating that he had completed equivalent training for retirement points only. Also attached are his transcripts for the New Jersey State Police Academy as well is the course syllabus. He has attached the DA Form 5016; it is only those two dates for the indicated year in which he currently has 49 retirement points.

b. He believes his records are in error because at the time of attending the New Jersey States Police Academy where he was required to live during the academy, he was unable to attend military drill but was completing equivalent training for being in the U.S. Army Military Police.

c. He had not reviewed his retirement points until coming onto this current deployment; he believed he had received the credit for points during his time in the academy to which he discovered he had not for a couple of months. He is only concerned with getting enough points to allow for the 50 points required for a good year.

3. A review of the applicant's official record shows the following:

a. He enlisted into the United States Army Reserve on 29 August 2010.

b. DD Form 214 shows in block 12a he entered active duty this period on 22 February 2011 and was honorably released from active duty training on 27 July 2011 for completion of required service.

c. On 28 July 2011, he was appointed as a Reserve Commissioned Officer in the rank of second lieutenant (2LT) and executed an oath of Office.

d. DD Form 214 shows in block 12a he entered active duty this period on 28 August 2011 and was honorably released from active duty training on 23 January 2012 for completion of required service.

e. DD Form 214 shows in block 12a he entered active duty this period on 11 May 2020 and was honorably released from active duty on 2 May 2021 for completion of required active service.

f. DA Form 5016 (Retirement Accounting Statement) shows the applicant earned the following points for RYE 29 September 2015, 19 inactive duty training points, 15 membership points, and 15 active duty points for a total of 49 points creditable.

g. DD Form 214 shows in block 12a he entered active duty this period on 19 September 2023 and was honorably released from active duty on 2 August 2024 for completion of required active service.

h. The applicant remains in the USAR.

4. The applicant provides:

a. DA Form 1380 dated 31 October 2023 showing the applicant completed two sessions of training on 10 June 2014 for 4 hours each, totaling 2 retirement points. The form was endorsed by the Executive Officer of the Military Police Battalion as the officer having knowledge of the duties performed.

b. Memorandum, Subject: Captain (CPT) J.P. Equivalent Training dated 9 November 2023, stated the commander approved Rescheduled Training (RST) for retirement points while the applicant attended the New Jersey State Police Academy; given the relevance of the training curriculum and its alignment with the training Mission Essential Task Lists (METL) identified for the 363rd Military Police Company during that timeframe.

c. The applicant provided the New Jersey States Police Academy Syllabus and an New Jersey Police Academy Transcript.

5. On 29 January 2025, in the processing of this case, the U.S. Army Reserve Command, Retirement Services Officer, provided an advisory opinion which stated, the applicant's documents were reviewed, and it was determined he should be awarded two (2) points in accordance with AR 140-185. The applicant's unit did not process the documentation needed at the time of duty performed. A favorable decision by Army Review Boards Agency would allow the Readiness Division to update the record. Full administrative relief granted.

6. On 30 January 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and U.S. Army Reserve Command, Retirement Services advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant should be awarded two additional retirement points in accordance with Army Regulation 140-185. The advisory further noted that the applicant's unit failed to process the documentation at the time of duty performance, and that a favorable decision by the Board would allow the Readiness Division to update the record.

2. The Board determined in light of the supporting documentation, the command endorsement, and the favorable advisory opinion; 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 two additional retirement points for RYE 28 September 2015.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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 two (2) retirement points 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. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records):

a. 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

b. 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.

c. Table 2-3 Rule Number 2 states "Attends BA, RST, in a nonpay status, award points under the 4-hour/8-hour rule." 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.

3. Department of Defense Instructions 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.

//NOTHING FOLLOWS//