

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 April 2025

DOCKET NUMBER: AR20240008497

APPLICANT REQUESTS: in effect, correction of her records to show the applicant submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 14 July 2017, 21 March 2023, 4 April 2023, and 9 and 20 March 2024, were accepted and added to her record for the following Anniversary/Retirement Years Ending (RYE):

- 20 July 2015 to 19 July 2016 (4 points)
- 20 July 2016 to 19 July 2017 (14 points)
- 20 July 2017 to 19 July 2018 (20 points)
- 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 dated 14 July 2017 (original submission), which shows she submitted a request to be awarded retirements points for dates in July through December 2016; the following dates were not resubmitted, and the points appear to be unaccounted for, and show on:
 - 16 and 17 July 2016, for 8 hours each day, N2 (nonpaid), at [REDACTED] the applicant performed daily operations; Totaling: 4 points
 - 5 and 6 August 2016, for 8 hours each day, N2, at [REDACTED] the applicant performed daily operations; Totaling: 4 points
 - 3 December 2016, for 8 hours, at [REDACTED] the applicant performed daily operations; Totaling: 2 points
- DA Forms 1380 dated 21 March 2023, 4 April 2023, and 9 and 20 March 2024, submitted for points only and signed by the unit Army Reserve Coordinator, which show on:
 - 3 and 4 September 2016 – for 8 hours each day, N2 (nonpaid), at [REDACTED] "Inactive Duty Training (IDT);" the applicant

- performed military duties identified by Troop Program Unit (TPU) position; Totaling: 4 points
- 8 and 9 October 2016 – for 8 hours each day, N2, at [REDACTED] IDT, the applicant performed military duties identified by TPU position; Totaling: 4 points
- 4, 5, and 6 November 2016 – for 8 hours each day, N2, at [REDACTED] IDT, the applicant performed military duties identified by TPU position; Totaling: 6 points
- 12 December 2017 – for 8 hours, N2, at [REDACTED] IDT; the applicant performed military duties identified by Individual Mobilization Augmentee (IMA) position; Totaling: 2 points
- 2 and 3 January 2018 – for 8 hours each day, N2, at [REDACTED] IDT, the applicant performed military duties identified by IMA position; Totaling: 4 points
- 11, 22, and 23 February 2018 – for 8 hours each day, N2, at [REDACTED] IDT, the applicant performed military duties identified by IMA position; Totaling: 6 points
- 6 March 2018 – for 8 hours, N2, at [REDACTED] IDT, the applicant performed military duties identified by IMA position; Totaling: 2 points
- Email communication during the period of August 2014 through July 2022, discussing concerns surrounding the applicant having a good year and her intentions going forward

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 part:

- She requests retirement point corrections for 20140720 – 20150719 [20 July 2014 – 19 July 2015] missing 12 points; 20160720 – 20170719 [20 July 2016 – 19 July 2017] missing 18 points; and 20170720 – 20180719 [20 July 2017 – 19 July 2018] missing 14 points
- The DA Forms 1380 submitted to correct the "07192016 – 07202017 were submitted incorrectly"
- They were resigned last year in an effort to submit in the correct format; Attachments: Original DA Form 1380 updated corrected DA Forms 1380

- She can also supply evidence that she has tried for a number of years to correct the bad year
- The time period missed was from December 2017 - March 2018, for a total of 14 missing points
- The reason for the late submission is the activity was beyond drill weekends to include inventories, mission prep and was not originally submitted; she can provide additional evidence for these time periods if needed

3. The applicant requests correction of her retirement points for the period 20 July 2014 – 19 July 2015 but does not provide any supporting documents for this portion of her request. The Board will not address points pertaining to RYE 19 July 2015. The Board will address the following RYE: 19 July 2016, 19 July 2017 and 19 July 2018.

4. A review of the applicant's military service record shows:

- Having prior U.S. Army Reserve (USAR) Cadet service, the applicant was appointed as a Reserve commissioned officer and executed her oath of office on 20 July 2005
- DA Form 5016 (Retirement Accounting Statement) dated 18 August 2024 shows:
 - The applicant's total career retirement points earned as: 398 IDT, 214 Membership, 3063 Active Duty, 16 years Qualifying for Retirement, 3675 Points Earned, and 3645 Points Creditable; In relevant part, the form also shows for the completed anniversary years:
 - 20 July 2015 to 19 July 2016, she earned 62 IDT points, 15 Membership points, 1 Active Duty point, 1 year Qualifying for Retirement, 78 Points Earned, and 78 Points Creditable
 - 20 July 2016 to 19 July 2017, she earned 10 IDT Points, 15 Membership Points, 16 Active Duty Points, 41 Points Earned, and 41 Points Creditable
 - 20 July 2017 to 19 July 2018, she earned 15 IDT Points, 15 Membership Points, 6 Active Duty points, 36 Points Earned, and 36 Points Creditable

5. On 10 April 2025, Headquarters, USAR Command (USARC), Retirement Points Office, Program Manager, provided an advisory opinion for this case and recommended granting full administrative relief. The advisory official states USARC reviewed the applicant's documents and determined they should be awarded "38" points in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records). "Full administrative relief granted."

6. On 11 April 2025, the applicant was provided with a copy of the USARC advisory opinion to allow for comments or rebuttal.

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 the U.S. Army Reserve Command advisory opinion, the Board concurred with the advisory official recommendation to grant full relief, finding the applicant should be awarded 38 points in accordance regulatory guidance. The Board agreed that there was sufficient documentation to warrant relief in this case by awarding the applicant retirement points for the periods of 20 July 2015 through 19 July 2018, for a total of 38 retirement points for service performed.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.


BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 submitted her DA Form 1380's in a timely manner to U.S. Army Reserve Command for the periods of 20 July 2015 through 19 July 2018, for a total of 38 retirement points for service performed.

X 

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 140-1 (Mission, Organization, and Training) provides policy guidance on the mission, organization, and training of the USAR. Paragraph 3-26 (Training of individual Soldiers in a non-pay status) states, Soldiers in an active status may take part in individual inactive duty training in a non-pay training status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are shown below:

- attachment to appropriate Reserve Component Troop Program Unit (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- attachment to Reserve Component Training Institutions as students or as augmentation staff or faculty
- attendance at Army service or Army area school training

- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individuals mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

3. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), in effect at the time, contains Army policy for USAR training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. 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 (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.

b. 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 —

(1) Maximum — 365 (366 during leap year) points.

(2) Retirement points credited for activities other than active service or funeral honors duty may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007.

c. Paragraph 2-1 also states, a maximum of 2 retirement points may be awarded in 1 calendar day for any activity or combination of activities. IDT will be either 4 hours in length for 1 retirement point or 8 hours in length for 2 retirement points, with the exception of the 2-hour IDT funeral honors duty.

d. 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 activities specified in this regulation.

e. Table 2-3 (Award of IDT retirement points) provides criteria for award of retirement points for IDT performed in accordance with Department of Defense Instruction 1215.07 and 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. A maximum of two retirement points may be credited for attendance at unit Battle Assemblies or IDT in any 1 calendar day.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly (BA), Rescheduled Training (RST), Equivalent Training (ET), or Additional Training Assemblies (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

f. Paragraph 3-3 (DA Form 1380) states:

(1) The purpose of this form is to record IDT by — (a) TPU Soldiers performing IDT assemblies when pay is authorized, and the Soldier is not present to sign the IDT attendance roster. (b) 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. (c) Non-unit Soldiers under the jurisdiction of HRC who are attached for retirement points only to USAR TPUs, ARNG 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. (d) Non-unit Soldiers performing other inactive duty training for retirement point credit as outlined in table 2–3.

(2) 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 (automated drill attendance reporting software) 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.

4. 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 (ARNG), Army National Guard of the United States (ARNGUS), and the U.S. Army Reserve (USAR). In pertinent part:

a. Section III (Retirement Points), 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. Retirement points 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.

b. Appendix B - Qualifying Service, B-1 (Service creditable as qualifying service) states, after 30 June 1949, "a Reservist must earn a minimum of 50 retirement points each retirement year to have that year credited as qualifying service." Only Soldiers assigned to an active status in an RC or individuals in active federal service are authorized to earn retirement point credits. When a person is in an active status for a period less than a full retirement year, a minimum number of retirement points are required to be earned in order to have that period credited as qualifying service.

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. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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//