

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 April 2025

DOCKET NUMBER: AR20240008533

APPLICANT REQUESTS: In effect, correction of his records to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) dated 4 March 2023, were accepted and added to his record for the following Anniversary/Retirement Years Ending (RYE):

- 27 September 2005 to 26 September 2006 (41 points)
- 27 September 2007 to 26 September 2008 (40 points)

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

- DD Forms 149 (Application for Correction of Military Record)
- U.S. Army War College (USAWC) and Carlisle Barracks Memorandum - Subject: Record of Course Hours for the USAWC Distance Education Program (DEP) Class of 2015 and later, dated 1 August 2014, which states, in part:
 - The DEP is conducted through Electronic-Based Distributed Learning (EBDL) except for two 13-day resident sessions as noted below
 - Each DEP graduate earns a total of 36 graduate-level academic credit hours and should submit a copy of this memorandum with a transcript to his or her respective service component personnel center for calculation, award and recording of retirement points
- Headquarters, 418th Civil Affairs Battalion Memorandum for Record (MFR) - Subject: Supporting Documentation for Retirement Points [Applicant], dated 23 September 2006, wherein, the commander stated:
 - The applicant performed Command Staff duties for 17 days total without pay while leading this mission
 - He is eligible for award of "17 retirements" [points] in accordance with (IAW) Army Regulation (AR) 140-1 (Mission, Organization, and Training) Retirement Points Only

- Headquarters, 418th Civil Affairs Battalion MFR - Subject: Supporting Documentation for Retirement Points [Applicant], dated 18 October 2008, wherein, the commander stated:
 - The applicant performed Command Staff duties for 22 days total without pay while leading this mission
 - He is eligible for award of "22 retirements" [points] IAW AR 140-1 Retirement Points Only
- Initial DA Forms 1380 dated 16 June and 23 September 2006, and 18 October 2008, which appear to have been corrected and resubmitted for points only
- DA Forms 1380 dated 4 March 2023, submitted by the applicant for points only and signed by the Secretary of the General Staff, which show on:
 - 8 and 25 April 2006, for 8 hours each day, N2 (nonpaid), he performed Operation Enduring Freedom-Trans Sahara (OEF-TS) Command and Staff duties; Totaling: 4 points
 - 1, 9, 17, 19, 22 and 30 May 2006, for 8 hours each day, N2, he performed OEF-TS Command and Staff duties; Totaling: 12 points
 - 5, 13, 17, 18, 19, 25 and 26 June 2006, for 8 hours each day, N2, he performed OEF-TS Command and Staff duties; Totaling: 14 points
 - 6 and 7 July 2006, for 8 hours each day, N2, he performed OEF-TS Command and Staff duties; Totaling: 4 points
 - 24, 25 and 26 July 2006, for 8 hours each day, N2, he conducted "JCET 031 W" preparation; Totaling: 6
 - 27 July 2006, for 8 hours, N1, he conducted "JCET 031 W" preparation; Totaling: 1 point
 - 11, 24, 25 and 31 May 2008, for 8 hours each day, N2, he conducted Partnership for Peace Mission preparations; Totaling: 8 points
 - 1, 5, 6, 14 and 15 June 2008, for 8 hours each day, N2, he conducted Partnership for Peace Mission preparations; Totaling: 10 points
 - 6, 7, 16 and 20 July 2008, for 8 hours each day, N2, he conducted Partnership for Peace Mission preparations; Totaling: 8 points
 - 16 and 24 August 2008, for 8 hours each day, N2, he conducted Partnership for Peace Mission preparations; Totaling: 4 points
 - 4 September 2008, for 8 hours, N2, he conducted Partnership for Peace Mission preparations; Totaling: 2 points
 - 5, 13, 21 and 22 September 2008, for 8 hours each day, N2, he conducted Partnership for Peace Mission preparations; Totaling: 8 points

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 requesting addition of retirement points; there are three DA Forms 1380 from 2006 totaling 41 retirement points; another three DA Forms 1380 from 2008 totaling 40 retirement points
- He is requesting a total of 81 retirement points to be applied to his records
- The DA Forms 1380 were submitted back in 2006 and 2008, but he did not discover they were not processed and applied until he thoroughly reviewed his retirement points in 2010
- He requested resubmission of the retirement points by his S-1 team and the action was returned requesting that they were updated on different forms
- He has attempted to have this processed through his S-1 and the Reserve Personnel Action Center at each prior command, but to no avail; the most recent submission was sent via U.S. Postal Service mail to the ABCMR with no follow-up confirmation of receipt of processing
- His current G-1 was advised by the 99th Readiness Division Pay Team to submit this request through the Army Review Boards Agency to allow the processing by the Readiness Division to update his points
- Original documentation submitted was returned for updated forms, which have been updated and included

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

- Having prior enlisted Reserve Component and Cadet service, on 16 May 1990, the applicant was appointed as a Reserve commissioned officer and executed his oath of office
- On 18 May 1990, he was appointed as a second lieutenant in the Oklahoma Army National Guard and executed his oath of office
- On 1 November 2007, the U.S. Army Human Resources Command, St. Louis, MO, issued the applicant his notification of eligibility for retired pay at age 60 (20-Year Letter)
- DA Form 5016 (Retirement Accounting Statement) dated 26 October 2024 shows:
 - The applicant's total career retirement points earned as: 2155 Inactive Duty Training (IDT), 66 Extension Course, 750 Membership, 2636 Active Duty, 50

years Qualifying for Retirement, 5533 Points Earned, and 5522 Points Creditable; In relevant part, the form also shows for the completed anniversary years/RYE:

- 27 September 2005 to 26 September 2006, he earned 61 IDT points, 15 Membership points, 72 Active Duty points, 1 year Qualifying for Retirement, 148 Points Earned, and 148 Points Creditable
- 27 September 2007 to 26 September 2008, he earned 42 IDT points, 15 Membership points, 19 Active Duty points, 1 year Qualifying for Retirement, 76 Points Earned, and 76 Points Creditable

4. On 8 April 2025, the Office of the Chief of Army Reserve (OCAR), Director, General Officer Management Office (GOMO) provided an advisory opinion for this case and states:

a. This memorandum is in response to an advisory opinion request, dated 17 March 2025, submitted on behalf of the applicant regarding the accreditation of nonpaid retirement points for duties performed during April–July 2006 and May–September 2008.

b. The OCAR GOMO reviewed the applicant's application, supporting documentation, and retirement points history. IAW AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) paragraph 3-3, the organization preparing the form must forward the original DA Form 1380 for processing no later than 90 days from date the duty was performed. Additionally, IAW instructions on the DA Form 1380, the form must be prepared by the last day of each month. The applicant's forms document duties spanning multiple months, which does not comply with the prescribed instructions. Finally, discrepancies were identified in the retirement points requested in column 10c of the original DA Forms 1380. Specifically, the points requested do not align with the hours recorded in column 10b.

c. Based on the review and identified discrepancies, OCAR GOMO cannot support the accreditation of retirement points under the governing regulations and form instructions without direction from the Army Review Boards Agency.

5. On 11 April 2025, the applicant was provided with a copy of the OCAR GOMO advisory opinion to allow for 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 relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board noted the applicant's contention that he submitted DA Forms 1380 in 2006 and 2008, but he did not discover that they were not processed and applied until he thoroughly reviewed his retirement points in 2010. The Board also reviewed and concurred with the OCAR advisory official's finding that the DA Form 1380 must be prepared by the last day of each month. The applicant's forms document duties spanning multiple months, which does not comply with the prescribed instructions. The Board determined no administrative relief should be granted.

BOARD VOTE:

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BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), currently in effect, states in paragraph 3-3b, DA Form 1380 will be prepared for a unit Soldier who performs equivalent training 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 Individual Mobilization Augmentee/Individual Ready Reserve and to the Readiness Division 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.

5. 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.

//NOTHING FOLLOWS//