

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20240008666

APPLICANT REQUESTS:

- In effect, correction of his records to show the submitted DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) containing various dates, were accepted and added to his record for the following Anniversary Years Ending (AYE)/Retirement Years Ending (RYE):
 - 1 December 2021 to 13 November 2022 (62 points)
 - 14 November 2022 to 30 November 2023 (42 points)

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

- DD Form 149 (Application for Correction of Military Record)
- Congressional correspondence with privacy release form, wherein the applicant requests congressional assistance with correcting his retirements points and good years
- DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 4 June 2010, showing he entered active duty in the Regular Army on 4 May 2004 and was released from active duty and transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement) on 4 June 2010
- DA Forms 1380 containing various dates, which were submitted by the applicant for points only and signed by the company commander, and show on:
 - 10, 11, 12, and 13 December 2021, for 8 hours each day, N2 (nonpaid), in Tulsa, OK; he assisted in assigning a sponsor to a new Soldier and December Battle Assembly (BA) preparation, BA, conduct inventories, company training and administrative due outs; ensured annual medical requirements were met/scheduled; Totaling: 8 points
 - 17, 18, 19, and 20 February 2022, for 8 hours each day, N2, in Tulsa, OK; school and travel prep, conduct inventories, BA, company readiness and training; Totaling: 8 points
 - 8, 9, and 10 April 2022, for 8 hours each day, N2, in Tulsa, OK; BA prep and conduct inventories, BA, company readiness and training; Totaling: 6 points

- 8 July 2022, for 8 hours, N2, in Tulsa, OK; professional development and physical fitness training, and Soldier readiness; Totaling: 2 points
- 20 and 21 August 2022, for 8 hours each day, in Tulsa, OK; BA, company readiness and training; Totaling: 4 points
- 6, 7, 8, 9, 10, 11, and 12 September 2022, for 8 hours each day, N2, in Tulsa, OK; range preparation, sensitive items inventory, cyclical inventory, BA, company readiness and training, Soldier readiness and records updates; Totaling: 14 points
- 19, 20, 21, 22, 23, 24, 25, and 31 October 2022, for 8 hours each day, N2, in Tulsa, OK; coordinate team readiness for Best Warrior Competition (BWC)/BA, BWC and Convoy preparations for BA, BA, assist with BWC, admin and retirement points actions, physical fitness and Soldier readiness training; Totaling: 16 points
- 7 and 8 November 2022, for 8 hours each day, N2, in Mesa, AZ; leaders book review and update of Digital Training Management System (DTMS), prep for November BA, and assist first sergeant; Totaling: 4 points
- 16 February 2023, for 4 hours, N1, in Mesa, AZ; LHI appointment; Totaling: 1 point
- 22, 23, 24, 25, 26, 27, and 28 March 2023, for 8 hours each day, N2, in Tulsa, OK; coordinate team readiness for convoy/range prep for BA, BA, range operations, coordinate range qualification recovery, physical fitness training/team readiness; Totaling: 14 points
- 21 May 2023, for 8 hours, N2, in Tulsa, OK; company sensitive item and cyclical inventories; Totaling: 2 points
- 10 and 11 June 2023, for 8 hours each day, N2, in Tulsa, OK; assist with company readiness for BA, update Soldier records, and company inventory; Totaling: 4 points
- 7 July 2023, for 4 hours, N1, in Mesa, AZ; received updated vaccinations at Walgreens, required for Physical Health Assessment; Totaling: 1 point
- 13 and 20 September 2023, for 8 hours each day, N2, in Mesa, AZ; complete annual training courses (TARP, INFOSEC, OPSEC), team LIK, NCOER, complete AT level 1, active shooter and SAPR training, NCOER correction and submission; Totaling: 4 points
- 13, 14, 15, 16, 17, 18, 19, and 20 October 2023, for 8 hours each day, N2, in Mesa, AZ; QTC flu shot, team LIK, BA prep, initiate PRR, collect team civilian employment info, professional development, ACFT fitness training DD Form 93, SGLI and PRR, quarterly counseling, retirement points correction, NCOER admin duties; Totaling: 16 points

- Transmittal Letter (TL) History prepared on 25 October 2023, which shows transaction log dates, event dates, drill codes, Unit Training Assembly period number, and pay/non-pay codes
- DA Form 5016 (Draft Only – Retirement Accounting Statement – Draft Only) dated 1 June 2024, which shows, in pertinent part, 17 years qualifying for retirement

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 has been drilling on a point only status since December 2021, as the calculations done with his unit (486th Civil Affairs (CA) Battalion, Tulsa, OK) showed it was less financially burdensome
- He discovered earned points were not reflecting on his DA Form 5016 last year upon a records review in preparation for retirement
- He was told this was due to not receiving pay, as points are triggered by pay
- This is causing him to only show having completed 17 Good Years of service instead of 19
- He intends to apply for retirement in December, which should be the completion of his 20th Good Year
- Having a 100 percent Department of Veterans Affairs rating, six special needs children and live/work in Arizona, has placed a serious strain on his family, finances and civilian employment
- His AYE date is December 1st; the previous two completed AYE years (December 2021-November 2022 and December 2022-November 2023) are not reflecting any points on his DA Form 5016, which he has earned 73 and 57 respectively (to include membership points)
- The applicant and his unit have attempted to exhaust every possible route of resolution, to include unit/CA Command levels and multiple personnel action requests over the past year; he has all supporting documentation to show justification, to include TLs and DA Forms 1380

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

- On 4 May 2004, he enlisted in the Regular Army
- On 4 June 2010, he was released from active duty and was transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement)

- On 31 May 2011, Orders Number C-05-107991 released the applicant from the USAR Control Group (Reinforcement) and assigned him to his USAR unit in Tulsa, OK, effective 27 May 2011
- On 8 April 2020, he reenlisted in the USAR for an indefinite period
- DA Form 5016 (Retirement Accounting Statement) dated 30 December 2024 shows:

- The applicant's total career retirement points earned as: 581 Inactive Duty Training (IDT), 207 Membership, 2478 Active Duty, 18 years Qualifying for Retirement, 3266 Points Earned, and 3266 Points Creditable; in pertinent part, the form also shows for the completed AYE/RYE:

- 1 December 2021 to 13 November 2022, he earned 16 IDT points, 14 Membership points, 30 Points Earned, and 30 Points Creditable
- 14 November 2022 to 30 November 2023, he earned no points

4. On 7 May 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 official states, USARC reviewed the applicant's documents and determined he should be awarded 104 retirement points. One DA Form 1380 has one point with the month showing "16" and the day showing "02". It is reasonable to believe this should be 16 February 2023 and was an error in writing. The 104 points include this date. Full administrative relief granted.

5. On 8 May 2025, the applicant was provided with a copy of the USARC advisory opinion to allow for comments or rebuttal. He did not respond.

6. On 19 May 2025, the applicant responded to the advisory opinion concurring with the recommendation.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the findings and recommendations outlined in the USARC advisory opinion and those recommendations being concurred with by the applicant, the Board concluded there was sufficient evidence to add to the applicant's record the following Anniversary Years Ending (AYE)/Retirement Years Ending (RYE):

- 1 December 2021 to 13 November 2022 (62 points)
- 14 November 2022 to 30 November 2023 (42 points)

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 Army records of the individual concerned be corrected by adding to the applicant's record the following Anniversary Years Ending (AYE)/Retirement Years Ending (RYE):

- 1 December 2021 to 13 November 2022 (62 points)
- 14 November 2022 to 30 November 2023 (42 points)

//SIGNED//

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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 (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 U.S. Army Human Resources Command (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//