

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240009580

APPLICANT REQUESTS: correction of his DA Form 5016 (Chronological Statement of Retirement Points) to reflect 9 qualifying years of service towards a non-regular retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate
- AGUZ Form 249 (Chronological Statement of Retirement Points), 3 January 1984
- DD Form 4 (Enlistment Contract – Armed Forces of the U.S.), 20 September 1975
- Leave and Earnings Statements (LES)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 his service records are incorrect because they do not accurately reflect his 9 years of service in the U.S. Army Reserve (USAR). The applicant notes that upon review of his records, he noticed that he only received credit for 4 years.
3. A review of the applicant's service record reflects the following:
 - a. On 20 September 1975, the applicant enlisted in the USAR.
 - b. On 20 September 1981, the applicant reenlisted.
 - c. On 6 September 1984, Headquarters, First U.S. Army issued Orders Number 148-5 honorably discharging the applicant from the USAR, effective 19 September 1984, due to unsatisfactory participation. Based on the applicant's Pay Entry Basic

Date/Basic Enlisted Service Date (20 September 1975) and his discharge date (19 September 1984), the applicant has completed a total of 9 years of service for longevity pay purposes.

4. The applicant provides the following:

a. Certificate, reflective of the applicant being honorably discharged from the U.S. Army on 19 September 1984.

b. AGUZ Form 249 dated 3 January 1984, reflective of the applicant's qualifying service completed between 20 September 1975 – 19 September 1983. The applicant received a total of 357 retirement points based upon 3 years of qualifying service towards a non-regular retirement. During this period, the applicant had completed a total of 8 years, 3 months, and 13 days of service (for pay purposes).

c. LES covering the period of October 1975 – September 1984. A review of the applicant's DA Form 5016 (Chronological Statement of Retirement Points), dated 4 March 2025, when compared to his provided LES reflects that he did not receive retirement points for Retirement Year Ending (RYE) 19 September 1977, covering the period of 20 September 1976 – 19 September 1977. The applicant also did not receive retirement points for RYE 19 September 1979, covering the period of 20 September 1978 – 19 September 1979, RYE 19 September 1980, covering the period of 20 September 1979 – 19 September 1980 or RYE 19 September 1981 covering the period of 20 September 1980 – 19 September 1981. The applicant's provided applicable LESs reflect the following per these periods:

- 1) RYE 19 September 1977, covering the period of 20 September 1976 – 19 September 1977, the applicants LESs reflect the following –
 - a. October 1976 (Unit Training Assembly (UTA) 23-24 October (4 points)
 - b. November 1976 (UTA-2) 6-7 November 1976 (4 points)
 - c. December 1976 (UTA-2) 4-5 December 1976 (4 points)
 - d. January 1977 (UTA-2) 29-30 January 1977 (4 points)
 - e. February 1977 (UTA-2) 26-27 February 1977 (4 points)
 - f. March 1977 (UTA-2) 12-13 and 19 March 1977 (6 points)
 - g. April 1977 - (no drill performed)
 - h. May 1977 (UTA-2) 14-15 May 1977 (4 points)
 - i. June 1977 (UTA-2) 11-12 June 1977 (4 points)
 - j. July 1977 (UTA-1) 5 and 26 July 1977 (2 points)
 - k. August 1977 (UTA-2) 27-28 August 1977 (2 points)
 - l. September 1977 (UTA-2) 17-18 September 1977 (4 points)

42 Inactive Duty Training (IDT) points + 15 membership points = 57 retirement points

- 2) RYE 19 September 1978, covering the period of 20 September 1977 – 19 September 1978, the applicants LESs reflect the following –
- a. October 1977 (no drill performed)
 - b. November 1977 (UTA-2) 19-20 November 1977 (4 points)
 - c. December 1977 (UTA-2) 10-11 December 1977 (4 points)
 - d. January 1978 (UTA-1) 29 January 1978 (1 point)
 - e. February 1978 (UTA-2) 26 February 1978 (2 points)
 - f. March 1978 (UTA-2) 11-12 March 1977 (4 points)
 - g. April 1978 - (UTA-2) 15-16 April 1978 (4 points)
 - h. May 1978 (UTA-2) 6, 20-21 May 1978 (6 points)
 - i. June 1978 (UTA-2) 24-25 June 1978 (4 points)
 - j. July 1978 (UTA-1) 5 and 25 July 1978 (2 points)
 - k. August 1978 (UTA-2) 19-20 August 1978 (4 points)
 - l. September 1978 (UTA-2) 16-17 September 1978 (4 points)

39 IDT points + 15 membership points = 54 retirement points

- 3) RYE 19 September 1979, covering the period of 20 September 1978 – 19 September 1979, the applicants LESs reflect the following –
- a. October 1978 (UTA-2) 14-15 October 1978 (4 points)
 - b. November 1978 (UTA-2) 18-19 November 1978 (4 points)
 - c. December 1978 (UTA-2) 9-10 December 1978 (4 points)
 - d. January 1979 (UTA-2) 13-14 January 1979 (4 points)
 - e. February 1979 (UTA-2) 24-25 February 1979 (4 points)
 - f. March 1979 (UTA-2) 24-25 March 1979 (4 points)
 - g. April 1979 - (UTA-2) 7-8, 21 April 1979 (6 points)
 - h. May 1979 (UTA-2) 19-20 May 1979 (4 points)
 - i. June 1979 (UTA-2) 23-24 June 1979 (4 points)
 - j. July 1979 (UTA-1) 17 July 1979 (1 point)
 - k. August 1979 (UTA-2/UTA 1) 8, 18-19 August 1979 (5 points)
 - l. September 1979 (UTA-2) 15-16 September 1979 (4 points)

48 IDT points + 15 membership points = 63 retirement points

- 4) RYE 19 September 1980, covering the period of 20 September 1979 – 19 September 1980, the applicants LESs reflect the following –

- a. October 1979 (UTA-2) 27-28 October 1979 (4 points)
- b. November 1979 (UTA-2) 3-4 November 1979 (4 points)
- c. December 1979 (no drill performance)
- d. January 1980 (UTA-2) 12-13 January 1980 (4 points)
- e. February 1980 (UTA-2) 2-3 February 1980 (4 points)
- f. March 1980 (UTA-2) 9 March 1980 (2 points)
- g. April 1980 - (UTA-2) 19-20 April 1980 (4 points)
- h. May 1980 (UTA-2) 17-18 May 1980 (4 points)
- i. June 1980 (UTA-1) 6 June 1980 (1 point)
- j. July 1980 (UTA-1) 2 July 1980 (1 point)
- k. August 1980 (UTA-2) 10 August 1980 (2 points)

30 IDT points + 15 membership points = 45 retirement points

- 5) RYE 19 September 1981 covering the period of 20 September 1980 – 19 September 1981 -

- a. September 1980 – (UTA-2) – 27 September 1980 (2 points)
- b. October 1980 (UTA-2) 18-19 October 1980 (4 points)
- c. November 1980 (UTA-2) 15-16 November 1980 (4 points)
- d. December 1980 (UTA-2) 6-7 December 1980 (4 points)
- e. February 1981 (UTA-2) 8 February 1981 (2 points)
- f. March 1981 (UTA-2) 7-8 March 1981 (4 points)
- g. April 1981 – (no drill performance)

20 IDT points + 15 membership points = 35 retirement points

BOARD DISCUSSION:

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 review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the U.S. Army Reserve (USAR) on 20 September 1975 and was honorably discharged on 19 September 1984, completing 9 years of service for pay purposes. His AGUZ Form 249 and Leave and Earnings Statements (LEs) reflect consistent participation and qualifying service across multiple Retirement Year Ending (RYE) periods, including those not credited in his DA Form 5016. The applicant accumulated substantial retirement points through Unit Training Assemblies (UTAs) and membership, demonstrating active service throughout the disputed years.

a. The Board noted the applicant’s contention that his service records inaccurately reflect only 4 years of credited service, despite completing 9 years in the USAR. He contends that his DA Form 5016 omits retirement points for several RYE periods, which are substantiated by his LESSs.

b. The Board concludes the applicant should be granted relief by updating his service records to reflect the full 9 years of USAR service. The applicant has provided comprehensive LES documentation that verifies his participation and retirement point accrual during the contested RYE periods. These records support his claim of qualifying service and justify correction of his retirement point summary.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XX	:XX	:XX	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 by:

- awarding the applicant 5 additional qualifying years toward retirement
- correcting his DA Form 5016 to show 9 qualifying years toward retirement between 1975 and 1984


X //SIGNED//

CHAIRPERSON
Signed by:

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, USC, 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 135-180 (Qualifying Service for Retired Pay Nonregular Service), prescribes the types of training and activities for which retirement points are authorized.
 - a. Paragraph 2-8 (Service Creditable as Qualifying Service) provides that 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 a Reserve Component or individuals in active Federal service are authorized to earn retirement point credits. In addition to being credited as qualifying service, these points are then converted into "years for percentage purposes."
 - b. Paragraph 2-10 (Computation of Service) provides that a computation to determine the number of years of qualifying service, years for percentage purposes, and years for basic pay purposes will be made by the Commanding General, Army Reserve Personnel Center (ARPERCEN). Generally, service begins on the date of enlistment or induction for enlisted personnel. One point for each authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army and 15 points for each year of membership in an active status in a Reserve Component
3. Department of Defense Financial Management Regulation, Volume 7, Chapter 1 (Basic Pay) provides that several military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the "pay entry basic date." The Basic Pay Date computations start from the date of the members most recent entry on duty without a break in service. To compute years of service creditable for pay purposes, you subtract the beginning date of service from the ending day of service. The result is the years of service creditable for pay purposes.

//NOTHING FOLLOWS//