

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 March 2025

DOCKET NUMBER: AR20240010158

APPLICANT REQUESTS: correction of her DA Form 5016 (Retirement Accounting Statement) to show she earned 40 retirement points for Retirement Years Ending (RYE)

- 13 June 2020 – 4 retirement points
- 13 June 2022 - 2 retirement points
- 13 June 2023 – 20 retirement points
- 13 June 2024 – 14 retirement points

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

- DD Forms 149 (Application for Correction of Military Record) - duplicate
- Troop Personnel Unit (TPU) Personnel Action Checklist and supporting documents to correct her retirement points in the Retirement Accounting System
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) endorsed by the commander dated 18 April 2024, show she completed:
 - Battle Assembly (BA) on 20-21 July 2023, for points only totaling 3 retirement points
 - BA on 16-17 September 2023, for points only for 8 hours each day totaling 4 retirement points
 - BA on 12 February 2023, for points only for 8 hours totaling 2 retirement points
 - BA on 1-2 April 2023, for points only for 8 hours each day totaling 4 retirement points
 - BA on 9-12 March 2023, for points only for 8 hours each day totaling 8 retirement points
 - BA on 6-7 May 2023, for points only for 8 hours each day totaling 4 retirement points
 - BA on 24-25 June 2023, for points only for 8 hours each day totaling 4 retirement points

- BA on 14-15 October 2023, for points only for 8 and 4 hours each day totaling 3 retirement points
- BA on 19 November 2022, for points only for 8 hours totaling 2 retirement points
- BA on 21 May 2022, for points only for 8 hours totaling 2 retirement points
- BA on 19-20 October 2019, for points only for 8 hours each day totaling 4 retirement points
- 15 pages of a Transaction Log
- Inactive Duty Training (IDT) Attendance Roster (3 pages)
- DA Form 5016 dated 13 July 2023, shows the applicant's total earned retirement points
- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows her period of active duty from 20 June 2013 through 21 June 2014

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 she submitted a personnel action request to correct a discrepancy found to her retirement points found after review of her annual records and the action was returned and she was directed to Army Review Boards Agency for resolution.
3. A review of the applicant's official record shows the following:
 - The applicant enlisted in the U.S. Army Reserve (USAR) on 14 June 2004 and continued service through extensions and reenlistments
 - DA Form 4836 (Oath of Extension of Reenlistment or Reenlistment) dated 7 April 2024; shows she extended her service in the USAR for 1-year for a new expiration term of service date of 13 August 2025
 - DA Form 5016 dated 13 July 2024, shows the applicant earned the following points creditable for RYE:
 - 13 June 2020, 16 Inactive Duty Training (IDT) points, 15 membership points, and 14 Active Duty Training (ADT) points, totaling 45 points creditable

- 13 June 2022, 20 IDT points, 15 membership points, and 14 ADT points, totaling 49 points creditable
- 13 June 2023, 6 IDT points, 9 membership points, and 0 ADT points, totaling 15 points creditable
- 13 June 2024, 29 IDT points, 15 membership points, and 15 ADT points, totaling 59 points creditable
- The applicant remains in the USAR.

4. On 25 February 2025, in the processing of this case the U.S. Army Reserve Command (USARC), Retirement Services Officer, provided an advisory opinion which stated USARC reviewed the applicant's documents and in accordance with Army Regulation (AR) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), the applicant should be awarded 63 points. The unit did not complete the DA Forms 1380 and the applicant was unaware of the requirement. Full administrative relief granted.

5. On 28 February 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. She 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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board concurred with the U.S. Army Reserve Command (USARC), Retirement Services Officer advisory official who provided an opinion stating the applicant's unit did not complete the DA Form 1380's in a timely manner, which is at no fault of the applicant and recommended relief. Therefore, the Board determined based upon a preponderance of evidence, relief is warranted and granted relief.

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 qualifying retirement points on the dates indicated below, provided all other criteria is met:

- 13 June 2020 – 4 retirement points
- 13 June 2022 - 2 retirement points
- 13 June 2023 – 20 retirement points
- 13 June 2024 – 14 retirement points


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. AR 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 HRC for award of retirement points no later than the end of each duty month.

c. 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//