

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 August 2023

DOCKET NUMBER: AR20230001250

APPLICANT REQUESTS:

- consideration for promotion to captain (CPT)/O-3 by a Special Selection Board (SSB)
- basic branch transfer

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: SSB - Fiscal Year (FY) 21 CPT Army Medical Department (AMEDD) Army Nurse (AN) Non-Active Guard/Reserve (AGR) Promotion Selection Board (PSB), 11 February 2022
- Military Personnel (MILPER) Message Number 22-023, 13 January 2022
- DA Form 1059 (Service School Academic Evaluation Report), 3 December 2021
- DA Form 1559 (Inspector General (IG) Action Request), 17 October 2022
- Reserve Officers Specialty Branch Transfers with Basic Branch Reappointment for Individual Mobilization Augmentee (IMA), Individual Ready Reserve (IRR), AGR and Troop Program Unit (TPU) Assigned Officers Checklist
- DA Form 61 (Application for Appointment), 15 February 2022
- Memorandum – Subject: Request for Branch Transfer and Statement of Understanding, 25 March 2022
- Memorandum – Subject: Unit Commanders Endorsement to Branch Transfer Request, 30 March 2022
- Memorandum – Subject: Verification of Security Clearance, 13 April 2022
- Personnel Qualification Record, 30 March 2022
- DA Form 705 (Army Physical Fitness Test (APFT) Scorecard), 18 October 2020
- Automated Record Brief, 18 October 2022

FACTS:

1. The applicant states in pertinent part that she completed the Basic Officer Leader Course (BOLC) Phase 2 after the FY21 CPT PSB was convened. She contests that the U.S. Army Human Resources Command (AHRC) violated regulatory guidance when the board reviewed her personnel file and ultimately did not select her for promotion. She

notes that the board claimed that she was educationally qualified. However, she had not completed BOLC at that time and was not provided 3 years after her appointment to complete the course.

2. The transfer of service members between basic branches is not a record correction and not under the purview of the Board. Basic branch transfers are a human resources function. The applicant's request for a branch transfer will not be considered.

3. A review of the applicant's available service records reflects the following:

a. On 10 August 2013, the applicant was awarded a Bachelor' of Science degree with a Major in Nursing from the University of South Florida.

b. On 13 December 2019, the applicant was appointed a Reserve commission within the Army Nurse Corps at the rank of first lieutenant (1LT)/O-2.

c. On 18 December 2019, DA Form 5074-1-R (Record of Award of Entry grade Credit (Health Services Officers)) was constructed awarding the applicant 2 years, 10 months, and 23 days of entry grade credit resulting in a date of rank to 1LT of 20 July 2018.

d. On 20 October 2021, AHRC issued Orders Number T-10-124837 ordering the applicant to active duty for a period of 26 days, effective 8 November 2021, to attend the Reserve Component (RC) BOLC.

e. On 3 December 2021, the applicant competed the RC BOLC.

4. The applicant provides the following a:

a. Memorandum – Subject: SSB - -FY 21 CPT AMEDD AN Non-AGR PSB, dated 11 February 2022, reflective of the applicant's submitted request for promotion reconsideration to disregard her first non-selection for promotion due to missing documentation from within her board file and incompleteness of BOLC within the 3 years of her appointed commission. The applicant contests that she received constructive credit which backdated her date of rank (DOR) to 20 July 2018, despite her not being commissioned until 13 December 2019. She notes that she completed the direct commission course in October 2020, however she did not complete BOLC Phase 2 prior to the FY21 CPT PSB convene date (April 2021). The applicant further notes that she was not notified by her unit to review and validate her Soldier Record Brief prior to the board date. She noticed during her preparation for the FY22 PSB, that several documents were not contained within her personnel file to include her degree, and professional certifications. This document is provided in its entirety for the Board's review within the supporting documents.

- b. MILPER Message Number 22-023, dated 13 January 2022, reflective of the announcement of the branch transfer process for Army Reserve Army Medical Department Officers.
- c. DA Form 1559 dated 17 October 2022, reflective of the applicant's submitted request for the AHRC to be investigated for violating Army Regulation (AR) 135-155 (Promotion of Commissioned Officers and Warrant Officers) when she was non-selected for promotion to CPT by the FY21 CPT PSB prior to her completion of BOLC Phase 2.
- d. Reserve Officers Specialty Branch Transfers with Basic Branch Reappointment for IMA, IRR, AGR and TPU Assigned Officers Checklist, reflective of the required documents needed for submission of a request for branch transfer.
- e. DA Form 61 dated 15 February 2022, reflective of the applicant's submitted request for appointment as a Reserve commissioned officer within the Ordinance (OD), Quartermaster (QM) or Transportation (TC) Area of Concentration (AOC).
- f. Memorandum – Subject: Request for Branch Transfer and Statement of Understanding, dated 25 March 2022, reflective of the applicant's submitted request to be transferred from the AN corps to a basic branch (Ordinance, Quartermaster or Transportation).
- g. Memorandum – Subject: Unit Commanders Endorsement to Branch Transfer Request, dated 30 March 2022, reflective of the applicant's commander's recommendation for approval of her request to branch transfer from AN Corps to TC Corps.
- h. Memorandum – Subject: Verification of Security Clearance, dated 13 April 2022, reflective of the verification of the applicant's Secret clearance, granted eligibility on 1 November 2019.
- i. Personnel Qualification Record, dated 30 March 2022, reflective of the applicant's pertinent personnel information to include military service and qualification data. Section II (Service Data) provides that the applicant was previously passed over for promotion with a subsequent eligibility date of 19 July 2023.
- j. DA Form 705 dated 18 October 2020, reflective of the applicant's performance during the physical fitness test.
- k. Automated Record Brief, dated 18 October 2022, reflective of the applicant's pertinent personnel information to include military education, service and qualification data. Section VII (Military Education) reflects completion of BOLC in 2021.

5. On 27 April 2023, the AHRC, Chief, Officer Promotions, Board Announcements, Support and Promotion Orders provided an advisory opinion noting that the applicant's request does not have merit. The applicant's education level was coded correctly as qualified as noted in AR 135-155, table 2-2 wherein it provides that "AMEDD officers, regardless of grade in which appointed, other than Specialized Training Assistance Program (STRAP) participants and Medical Service officers with functional area 70 or AOC 67J, appointed on or after 1 June 1986 are required to complete the AMEDD resident RC Officer Basic Course (OBC) within 3 years after appointment. STRAP participants do not have to complete the AMEDD resident RC OBC until 3 years after the completion of their STRAP training program. The applicant being coded as qualified ensures that the applicant was not disadvantaged based on the above and was therefore considered as fully qualified. The exact reasons for her non-selection are unknown.

6. On 1 May 2023, the applicant was provided with the advisory opinion and afforded 14 days to provide comments. As of 18 Jul 2023, the applicant has not responded.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board found insufficient evidence that her education level was coded incorrectly. As a STRAP participant, there was no requirement for the applicant to complete the AMEDD resident RC OBC course within three after completing the program. In addition, the Board noted the "EQ" code and agreed that as a STRAP participant, it was to ensure that she was not disadvantaged in regard to the completion of the AMEDD course.

2. Further, in accordance with U.S. code which prevents disclosure of her board proceedings to anyone outside of the of the board, in it not possible to know the exact reasons for her non-selection. Based on the preponderance of the evidence available for review, the Board determined the evidence presented insufficient to warrant a recommendation for relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined 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. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers) provides policy for selecting and promoting commissioned officers of both the Army National Guard of the United States (ARNGUS) and the U.S. Army Reserve (USAR), and warrant officers of the USAR. Table 2-2 (Military educational requirements commissioned officers, other than commissioned warrant officers' grade) provides that AMEDD officers, regardless of grade in which appointed, other than Specialized Training Assistance Program (STRAP) participants and MS officers with MFA 70 or AOC 67J, appointed on and after 1 June 1986 are required to complete the AMEDD resident RC OBC within 3 years after appointment. STRAP participants do not have to complete the AMEDD resident RC OBC until 3 years after the completion of their STRAP training program.

a. Section II (Selection Board Procedures) provides that promotion advisory board/special selection boards will be convened to reconsider officers who were either improperly omitted from consideration due to administrative error, or who were non-selected for mandatory promotion as a result of material error. Special selection boards are conducted as an additional duty of regularly scheduled mandatory Reserve of the Army selection boards for the same competitive category.

b. Section III (Promotion Reconsideration Boards) provides that Officers and warrant officers who have either failed of selection for promotion, or who were erroneously not considered for promotion through administrative error may be reconsidered for promotion by either a promotion advisory board or a special selection board, as appropriate. These boards are convened to correct/prevent an injustice to an officer or former officer who was eligible for promotion but whose records:

- through error, were not submitted to a mandatory promotion selection board for consideration
- contained a material error when reviewed by the mandatory selection board

c. The AHRC, Office of Promotions will normally not determine that a material error existed if the administrative error was immaterial, or, the officer in exercising reasonable diligence, could have discovered and corrected the error or omission in the OMPF.

2. AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army) provides that in lieu of formal application, USAR officers applying for appointment in another branch or grade may request appointment in letter form. USAR officers are not authorized to branch transfer between a basic branch and a special branch. Nor may they transfer between special branches, or from a special branch to a basic branch.

3. AR 140-10 (Assignments, Attachments, Details and Transfers), Chapter 3 (Branch transfer, Branch Detail, and Change of Warrant Officer military Occupational Specialty) provides that branch transfer of officers is authorized between basic branches only. Headquarters, Department of the Army is the approval authority for branch transfers /MOS reclassification of AMEDD/Special Officer branch transfers. The decision to transfer is based on whether the officer's major subject discipline can be used more effectively in another branch.

4. Title 10, United States Code, section 14104 states, the proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5. (b)Prohibited Uses of Board Discussions, Deliberations, Notes, and Records.—The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations—

- are immune from legal process;
- may not be admitted as evidence; and
- may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned

//NOTHING FOLLOWS//