

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230001781

APPLICANT REQUESTS: an earlier date of rank for sergeant major (SGM) and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Email, 11 August 2021
- Email, 23 September 2021
- Memorandum, subject: The Adjutant General (TAG) Release Letter for Active Duty for Operational Support (ADOS-Reserve Component (RC)) Tour, 23 September 2021
- NGB 22-5 (Addendum to DD Form 4, Approval and Acceptance by Service Representative for Interstate Transfer in the Army National Guard (ARNG), 1 October 2021
- Orders Number NG-1274-00070, 1 October 2021
- Orders Number 0001443791.00, 6 October 2021
- Email, 5 October 2021
- Email, 12 October 2021
- Rescinded Promotion List, December 2021
- Promotion List, December 2021
- Promotion List, February 2022
- Orders Number 0001685431.00, 24 February 2022
- Email, 20 March 2022
- Email, 6 April 2022
- Enlisted Record Brief (ERB), 11 July 2022
- Excerpt from National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management)
- Excerpt from Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions)

FACTS:

1. The applicant states, in effect:

a. He was offered a SGM/E-9 position in [REDACTED] ARNG ([REDACTED] ARNG) as a traditional Soldier when he graduated from the Sergeants Major Academy in June 2021. The Command Sergeant Major (CSM) from the [REDACTED] ARNG approved and coordinated the opportunity. He had been [REDACTED] ARNG ([REDACTED] ARNG) Soldier while attending the Sergeants Major Academy in an Army Guard Reserve (AGR) status. The SGM opportunity in the [REDACTED] ARNG required him to resign his full-time employment in the [REDACTED] ARNG. He worked with the [REDACTED] ARNG and the [REDACTED] ARNG interstate transfer (IST) coordinators for over three months to get approval from the [REDACTED] ARNG CSM, to approve his transfer into a SGM/E-9 vacancy-paragraph line. Once they received approval for the SGM paragraph line in the 136th Maneuver Enhancement Brigade (MEB), the IST was executed.

b. During the time he performed the IST to the [REDACTED] ARNG the [REDACTED] ARNG CSM began to go through the retirement process, and he was informed that his chain of command would engage the new CSM on his promotion orders once they got settled into their new position. He has the [REDACTED] ARNG enlistment contract showing he enlisted into the SGM vacancy/paragraph line as well as a transfer order from the [REDACTED] ARNG placing him into the position. His assignment was also on his ERB. He transferred into the SGM vacancy and contracted into the vacancy in early October 2021. He was also performing in an active status/ADOS at Fort Benning, GA for the Soldier Lethality Cross Functional Team.

c. After several months had passed and no progress had been made on his promotion to SGM, he reached out to his [REDACTED] ARNG chain of command at the 136th MEB. He was informed that a new promotion board was going to be held. The applicant asked if they followed the regulations, and stated he did not need to be boarded again for a promotion. The board was held in January 2022 and the new promotion list was published in late February 2022. He populated as number 4 on the promotion list; however, he had been in the SGM vacancy at that point for 6 months.

d. The applicant contacted the new [REDACTED] ARNG CSM and inquired about his promotion. He stated that two previous Soldiers in the [REDACTED] ARNG had been promoted under the same regulation. He was then informed by CSM [REDACTED] that it was not fair if he got promoted, as her interpretation was that he was not selected, and she refused to support and action any promotion for him. The CSM told him that Personnel Policy Operational Memorandum (PPOM) 021-26 states that a Soldier cannot be skipped on a promotion list due to not meeting the Professional Military Education (PME) requirement, and still get promoted, so she refused to promote him. Then, within seven days after contacting the CSM to discuss the promotion, he was transferred out of the

SGM position and moved into an Engineer MSG/E-8 position in which he was not qualified. He states he was transferred as retaliation. To no avail, he attempted to seek clarification with her on AR 600-8-19, with stated sections covering the IST, the appropriate actions, and the promotion action to take place. He received counsel from the Judge Advocate General and legal defense for legal interpretation, and he was informed that the regulation gives no leeway, and it is the forcing function for a promotion if all requirements are met. He then reached out to the [REDACTED] ARNG as well as the National Guard Bureau (NGB) Inspector General's (IG) office. The NGB IG office informed him that they had spoken to the ARNG CSM, and she explained how promotions work. The IG told the applicant that they were going to close the case. The interpretation or manipulation and refusal to follow the Army regulation has cost him his promotion and utilization of the IG channels brought no clarity or remedy, as he asked for any policies from the NGB or from the [REDACTED] ARNG that would contradict the promotion regulation and nothing in writing was provided, only verbal interpretation.

e. If regulatory guidance was wrong or his interpretation was wrong, there would have been no need to transfer him out of the SGM vacancy. When he inquired to the [REDACTED] ARNG CSM about these actions, she brought forward a threat to his active status by asking him if his orders ended, would it place him in a financial hardship. After how the promotion was handled and how the IG office at the NGB deferred his case back to the state to handle, he began the process to transfer out of that state.

2. The applicant provides the following:

a. Emails dated 11 August 2021, from sergeant first class (SFC) [REDACTED] to SGM [REDACTED] stating that he would get the contract knocked out that day. SFC [REDACTED] asked SGM [REDACTED] if he wanted him to run the action up through the State CSM and the G1 SGM or if they were already tracking "him" coming. SGM [REDACTED] stated that CSM [REDACTED] and CSM [REDACTED] were on board with the "Soldier" coming in and stated he did not have an email to attach because everything had been over the phone. SGM [REDACTED] told SFC [REDACTED] that if he wanted to cover his backside, to pass through Chief [REDACTED]. The applicant was cc'd on the emails.

b. Emails dated 23 September 2021, which shows the applicant sent an email to CSM [REDACTED] the 136th MEB CSM, asking if his promotable status would carry over. CSM [REDACTED] sent a request for information to the SGM, Texas Military Department J1, who stated that the applicant needed to bring an FY21 order of merit list (OML) from his losing state so they could integrate into their OML.

c. A memorandum from the TAG, dated 23 September 2021, which shows [REDACTED] ARNG with the consent of the Governor authorized the release of the applicant for an ADOS-RC tour as the Soldier Lethality Cross Functional Team Technical Deputy Director, supporting the ARNG Readiness Center in Fort Benning, GA from 1 October 2021 to 30 September 2022.

d. NGB 22-5, which shows the applicant voluntarily transferred interstate on 1 October 2021 to the State [REDACTED] ARNG with continued membership in the ARNG of the United States and as a Reserve of the Army. This form shows in:

- Block 12a (New Unit of Assignment) – 136th MEB
- Block 13c (PARA/LINE) – 111/09
- Block 13d (Duty Military Occupational Specialty (DMOS)) – 11X60

e. Orders Number NG-1274-00070, dated 1 October 2021, issued by the NGB, Arlington, VA, show he was ordered to active duty for ADOS-RC for the purpose of serving as the Soldier Lethality Cross Functional Team Technical, at Fort Benning, GA, for the period of 1 October 2021 to 30 September 2022.

f. Orders Number 0001443791.00, issued by the [REDACTED] ARNG, dated 6 October 2021, show a permanent change of assignment. The applicant was assigned to Headquarters and Headquarters Company (HHC), 136th MEB, Round Rock, TX, effective 1 October 2021. He was assigned to paragraph/line number 111/09, position number 03131274, as the Chief, Operations Sergeant. The additional instructions state in: Duty Position Qual: QUAL.

g. An email dated 5 October 2021, from CSM [REDACTED] to the applicant, shows the SGM, Texas Military Department J1, stated they needed something that showed his points (or at least a metric they could use) to place the applicant in the right spot on their OML.

h. An email dated 12 October 2021, from the applicant to SFC [REDACTED] There is a handwritten note which states SFC [REDACTED] was the Readiness Noncommissioned Officer (NCO)/136th MEB. The applicant stated in the email that he was currently on a Title 10 ADOS tour at Fort Benning. His resignation from the AGR was effective 30 September and then ADOS picked him up on 1 October. The applicant attached a copy of his orders to the email. He also stated that both SGM [REDACTED] and CSM [REDACTED] told him that the promotion boards were quickly approaching, and he asked what was needed to ensure he had an updated and completed packet to meet the board deadline.

i. A document, which contains a handwritten note, "Dec 2021 Rescinded Promotion List" and shows the applicant listed as number 42 on the State OML and number 8 on the Career Management Field (CMF) OML.

j. A spreadsheet which shows promotion list December 2021, and lists the applicant as number 42 on the State OML and number 8 on the CMF OML. It also shows his rank by cutoff as MSG, his rank date by cutoff as 24 June 2016, and his time in rank (TIR) by cutoff as 5 years, 3 months.

k. A document with a handwritten note "February 2022 Promotion List" and list the applicant as number 5 on the CMF OML.

l. Orders Number 0001685431.00, dated 24 February 2022, issued by the ■■■ ARNG, Austin, TX, and shows a duty position change, effective 25 February 2022. The applicant was moved to paragraph/line number 111/11 and position number 03131276, as the #2 Operations Sergeant, HHC, 136th MEB, Round Rock, TX. The additional instructions state in Duty Position Qual: S NOT QUAL. There is a handwritten note which states 12 series position not qualified.

m. An email from the applicant to CSM ■■■ ■■■ ARNG Command Senior Enlisted Advisor, dated 20 March 2022, wherein the applicant explains to CSM ■■■ that the handling of his promotion situation had left a concern and a loss of trust with an organization that they were both a part of, and caused confusion as to what regulations and policies they follow and execute.

(1) The applicant states in the email that he attended the United States Army Sergeants Major Course (resident) in 2021. During his attendance he began discussions with the ■■■ Army CSM, CSM ■■■ regarding opportunities to IST to serve at the SGM/CSM level in the ■■■ ARNG. He was ■■■ Army National Guardsman at the time, AGR in the ■■■ ARNG. For months he communicated with CSM ■■■ as well as SGM ■■■ and SGM ■■■ of his intent on transferring over to the ■■■ ARNG. Coordination between his State CSM, CSM ■■■ (now the ARNG CSM), CSM ■■■ and the applicant took place. He finalized the plans to initiate the IST to the ■■■ ARNG, which required him to resign from the AGR program in the ■■■ ARNG and transfer as a traditional M-Day Soldier and pursue M-Day SGM opportunities. He worked with SFC ■■■ the ■■■ ARNG IST coordinator and they received approval/authorization form CSM ■■■ for SFC ■■■ to provide him with a SGM/E-9 vacancy in the MEB. The vacancy was approved for him to transfer into, and he would subsequently be promoted by AR 600-8-19.

(2) He had been on an active-duty promotion list in the ■■■ ARNG for 2 years prior and the ■■■ ARNG G1 SGM, SGM ■■■ contacted the ■■■ ARNG G1 SGM, that his board results be sent over to properly calculate his standing and to insert him on the current SGM/E-9 list in the ■■■ ARNG. He transferred to the ■■■ ARNG effective 1 October 2021 into the SGM/E-9 vacancy at the MEB at that time. He inquired several times to his chain of command about his promotion and CSM ■■■ informed him that he had discussed the regulation with the J1 and CSM ■■■ several times and they refused to action it. They stated he would have to be selected off a list, not transferred into a promotion. He states he was transferred into the 111/09 paragraph/line and held that position up until three weeks ago, when it was decided to transfer him out of the position and into a MSG/E-8 vacant position. As per AR 600-8-19, all requirements were met, and he was still not promoted.

n. An email dated 6 April 2022, wherein the applicant submitted additional information to the [REDACTED] ARNG, Command Senior Enlisted Advisor, CSM [REDACTED] CSM [REDACTED] thanked the applicant for his email and their brief discussion that day and stated more was to follow.

o. His ERB, dated 11 July 2022, which shows he was assigned as the Chief, Operations Sergeant, HHC, 136th MEB on 8 October 2021 and then assigned as the #2 Operations Sergeant on 25 February 2022, HHC, 136th MEB.

p. An excerpt from NGR 600-200, paragraph 4-7.

q. An excerpt from AR 600-8-19, paragraphs 7-23 and 7-47.

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

a. He enlisted in the ARNG of the United States on 6 March 2004, in the pay grade of E-3.

b. His ERB shows he was promoted to:

- private first class (PFC)/E-3 on 6 March 2004
- specialist (SPC)/E-4 on 15 August 2004
- sergeant (SGT)/E-5 on 14 May 2005
- staff sergeant (SSG)/E-6 on 10 July 2006
- sergeant first class (SFC)/SFC on 12 May 2010
- master sergeant (MSG)/E-8 on 24 June 2016

c. A DA Form 1059 (Service School Academic Evaluation Report) shows the applicant attended the Sergeants Major Course at the Sergeants Major Academy at Fort Bliss, TX, from 8 September 2020 to 18 June 2021.

d. Orders Number NG-1274-00070, dated 1 October 2021, issued by the NGB, Arlington, VA, shows he was ordered to active duty for ADOS-RC at Fort Benning, GA, with a report date of 4 October 2021.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably released from active duty on 30 September 2021, and transferred to TAG [REDACTED]

f. Orders Number 0001443791.00, issued by the [REDACTED] ARNG, dated 6 October 2021, show the applicant was assigned to HHC, 136th MEB, Round Rock, TX, effective 1 October 2021, in paragraph/line number 111/09, as Chief, Operations Sergeant. His end/termination date was 5 March 2027.

g. Orders Number 0001443791.01, dated 24 February 2022, show his orders were amended. His end/termination date changed from 5 March 2027 to 24 February 2022.

h. Orders Number 0001685431.00, issued by the [REDACTED] ARNG, dated 24 February 2022, show he was reassigned in HHC, 136th MEB, to paragraph/line number 111/11, as the #2 Operations Sergeant, effective 25 February 2022. His end/termination date was 5 March 2027.

i. Orders Number 0001685431.01, dated 29 August 2022, show his orders were amended. His end/termination date changed from 5 March 2027 to 28 August 2022.

j. Orders Number 0002006192.00, issued by the [REDACTED] ARNG, dated 29 August 2022, show he was reassigned in HHC, 136th MEB, to paragraph/line number 999E/99, in the duty position title of Standard Excess, effective 29 August 2022. His end/termination was 5 March 2027.

k. Orders Number 0002006192.01, dated 14 September 2022, show his orders were amended. His end/termination date changed from 5 March 2027 to 13 September 2022.

l. NGB 22-5, shows he voluntarily transferred interstate on 26 September 2022 to the State [REDACTED] ARNG.

m. Orders Number NG-2258-00015, dated 15 September 2022, issued by the NGB, Arlington, VA, ordered him to active duty for ADOS-RC, for the purpose of Senior Guard Advisor, with duty at Fort Benning, GA, with a reporting date of 5 October 2022.

n. Orders Number 0005203584.00, dated 28 June 2023, issued by [REDACTED] ARNG, promoted the applicant to SGM/E-9, effective 19 May 2023. His rank entry date is 19 May 2023, and his grade entry date is 19 May 2023.

o. The applicant is currently serving as an Infantry Senior Sergeant, 1st Battalion, 54th Security Force Assistance Brigade, [REDACTED] ARNG.

4. The Chief, Special Actions Branch, NGB, provided an advisory opinion in this case on 8 March 2024 and recommended partial approval and that the applicant's DOR be adjusted to July of 2022. The opinion was coordinated with the ARNG Enlisted Branch. The [REDACTED] ARNG does not concur with this recommendation.

a. According to the TXARNG, "MSG [REDACTED] [Applicant] was accessed into the [REDACTED] ARNG from the [REDACTED] ARNG and was inadvertently placed in an E9 para/line, subsequently blocking an eligible E8 from promotion. MSG [REDACTED] was not eligible for promotion on the

■ E8 OML due to PPOMs and regulation. MSG ■ was ranked 28th on the OML. MSG ■ was notified that his T10 ADOS orders (Oct 2021) were not through ■ however, the SM inter-state transferred ■ which requires TAG release letter. MSG ■ never attended IDT; nor did he ever physically visit 136 MEB, 36 ID or ■ ARNG SEA Office regarding his concerns.”

b. Army Regulation (AR) 600-8-19 (Enlisted Promotions and Demotions), chapter 6, paragraph 46 (inter-state transfers) states that (a) Soldiers with promotion list status in one State that transfer to another may be integrated into the new State’s promotion list. The State MPMO may contact the losing State to obtain the Soldier’s official standing and related records or authorize a standby advisory board (STAB). (b) Integration will be in the Soldier’s promotion or CPMOS. When the gaining State does not have the Soldier’s CPMOS, reclassify the Soldier, conduct a STAB once the Soldier is MOS qualified, and integrate the Soldier into the list of the new MOS. (c) Soldiers integrated into approved promotion lists will be administratively reviewed and placed on the list immediately after the individual with more points or the same number of points. States will not require transferred Soldiers from other ARNG units to serve for a specified period before placement on a promotion list, provided otherwise qualified. When the promotion board in the gaining State held the promotion board with different dates for computation of points than in the losing State, the gaining State MPMO will re-compute the Soldier’s administrative and performance points according to the gaining State’s promotion board announcement.

c. AR 600-8-19, chapter 7-47 (d), states that “It is the gaining state’s option to either accept a Soldier that has already been assigned to a higher-grade position in the losing state into a higher graded position or a position commensurate with the Soldier’s current rank.”

d. The Soldier [Applicant] has since been promoted to the rank of SGM in ■ Army National Guard effective 19 May 2023. Based on the documents provided, the Soldier was qualified for promotion to the rank of SGM and was led to believe by the former ■ Senior Enlisted Leader (SEL) that he would be promoted upon transferring to the ■ ARNG. Taking into consideration these factors, this office recommends partial approval and SM’s DOR be adjusted to July of 2022.

5. The applicant provided a response to the advisory opinion on 28 May 2024. He stated:

a. “As AR 600-8-19 section 7-23 very clearly states when a MSG with USASMC credit and all requirements in NGR 600-200 are promotable with date of rank the day they were “ASSIGNED” to the higher grade.” He provided his enlistment contract into the ■ ARNG, into the SGM/E9 para/line vacancy in October 2021, the ■ ARNG “ASSIGNMENT” order to the vacant SGM/E9 para/line, and his Enlisted Record Brief

showing he was assigned to the SGM/E9 para/line vacancy for 5 months prior to being transferred after bringing it to the attention of [REDACTED] State Command Sgt Major, CSM [REDACTED]. There are three levels of official documentation showing he was transferred and assigned to the position. These documents and emails show this was a coordinated and authorized Inter State Transfer and assignment.

b. The [REDACTED] ARNG claims that he was “Inadvertently” placed into the E9 para/line, and this is a false claim. He provided all the email correspondence to prove this was coordinated and a regulatory action to perform. The emails show [REDACTED] State CSM at the time of the Inter State Transfer authorized and approved this. As the State CSM they manage all SGM positions, so this could only be allowed with his authorization and approval. The emails show there were several levels of leadership from the 136MEB, to the 36th IN DIV and with the Inter State Coordinator. There was every level of command and subsequent command informed and aware of this transfer and assignment to the SGM/E9 para/line. [REDACTED] ARNG claim of being “Inadvertently” cannot be supported with all the email and documents provided. [REDACTED] ARNG then claiming this action subsequently blocked an eligible from a promotion, is another false claim by the [REDACTED] ARNG. At the time of the transfer which, was 1 October 2021 the vacancy was available and not being filled by any [REDACTED] ARNG Soldier, the current promotion list had been exhausted in October and the new promotion list was not due to publish until December 2021. With the 11 series promotion list being exhausted, it allowed a fully promotable 11 series to then fill the position since the state of [REDACTED] ARNG had a vacant 11 series SGM para/line and received authorization to release that position to the applicant.

c. The [REDACTED] ARNG claims he was 28 on the OML, but once the promotion list published in December and then again in February it shows him as number 5 and number 4. The SGM para/line was a 11-series Infantry SGM position, and it can only be filled by an Infantry “SM.” If there was a promotable Infantry 11 series on 1 October then [REDACTED] ARNG would have filled the position prior to affording it to him. [REDACTED] ARNG then claims he never visited or attended IDT. AR 135-200 states that while on a Title 10 ADOS tour, Soldiers performing ADOS will not attend IDT or AT with their unit of assignment. They also claim he never visited the commands or the [REDACTED] ARNG SEA office, however the emails he provided show the active correspondence regarding this situation.

d. He applied for [REDACTED] ARNG IG assistance and never received the assistance. He then applied to the NGB IG and was deferred back to the [REDACTED] ARNG IG. He has had communications through his [REDACTED] ARNG chain of command, then [REDACTED] ARNG IG and NGB IG.

e. The gaining state had the “Option” to accept a Soldier into a higher-grade position. The pre-coordination between the subsequent Command, the State CSM and the Inter State coordinator prove [REDACTED] ARNG “Chose” and “Coordinated” to “Transfer” the applicant into the E9/SGM para/line vacancy on 5 October 2021.

f. At the time of the authorized and coordinated transfer to the ■■■ ARNG, and into the SGM/E9 para/line, CSM ■■■ authorized the applicant to fill it as a fully promotable MSG. Email correspondence prove this was coordinated for the October 2021 transfer. CSM ■■■ retired late November 2021 and he was replaced with CSM ■■■ then the promotion was readdressed with CSM ■■■ in February 2022, to the new State CSM, who refused to action the promotion and executed the retaliatory transfer out of the SGM position into a nonduty qualified position. When he inquired about the refusal to follow regulatory guidance to promote him, he was transferred out of the SGM position, and the position was filled with a Soldier that was already a SGM. Moving him out of the position was not to promote an eligible Soldier, but to laterally fill it with another SGM.

g. The applicant's complete response to the NGB's advisory opinion is available for the Board to review.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. Notwithstanding the advisory official's recommendation for partial relief, the Board found the evidence supports full relief in this case. The applicant was educationally qualified for promotion to SGM when he was assigned to a SGM/E-9 position in the ■■■ ARNG effective 1 October 2021. While that assignment was allegedly an error, the Board concurred with the applicant's observations regarding the fact that all regulatory requirements had been met to effect his promotion to SGM. The Board found the failure to do so at that time constitutes an injustice. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show his date of rank for SGM/E-9 is 1 October 2021 and he should be paid any additional pay and allowances he is due as a result of this correction.

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 is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by showing his date of rank for SGM/E-9 is 1 October 2021. The individual concerned should be paid any additional pay and allowances he is due as a result of this correction.

8/20/2024

X 

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. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 600-8-19 (Enlisted Promotions and Demotions), prescribes policies and procedures governing promotions and reductions of Army enlisted personnel. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It states:

a. Paragraph 7-20 (Criteria), states, to be eligible for consideration, selection, and promotion to SGT through SGM, Soldiers must:

(1) Be considered and placed in the selection objective of the current promotion list, unless selected from a previous list. All Soldiers must go through the board process before they may be selected and promoted.

(2) Be in promotable status in accordance with paragraph 1–11 (Title 10 AGR Soldiers) and paragraph 7–4 (Title 10 AGR and Title 32 Soldiers).

(3) Be participating satisfactorily in the active ARNGUS in the next lower grade.

(4) To be promoted to SGM, a Soldier must meet the criteria listed below. The time in grade (TIG)/time in service (TIS) is computed as of the last day of the month, plus an additional one year, life of the list, in which the board convenes. Waivers and exceptions to policy are not authorized for TIG, TIS, Structured Self-Development (SSD)/Distributed Leader Course (DLC), Professional Military Education (PME), and Cumulative Enlisted Service (CES).

- TIG – 36 months
- TIS – 16 years
- CES – 10 years
- PME – 1 Master Leader Course (MLC) is required, effective 1 January 2019, for MSGs promoted 1 January and beyond.

(5) Have a high school diploma, home study diploma, GED equivalent, alternate credential, or an associate or higher degree.

(6) Be qualified in the career progression military occupational specialty (CPMOS), promotion military occupational specialty (MOS), or a feeder MOS for the position promoted into unless another standard is authorized in this chapter, NGR 600–200, or in a special training program, such as those for CMF 18, the Army Civilian Acquired Skills Program (ACASP) (per accessions options criteria), or the AGR Management Program governed by NGR 600–5.

(7) For promotion to SGM with concurrent appointment to CSM, individuals will not yet be over the objective age of 51 as of the last day of the month of the DA (NGB) ARNGUS CSM selection board per NGR 600–200. However, AGs may nominate individuals above the objective age without waiver or exception when the Soldier is clearly the best qualified of all eligible candidates.

(8) For consideration for promotion to SGM, including concurrent appointment to CSM for individuals who are not graduates of the U.S. Army Sergeants Major Course (USASMC) must be eligible to attend and complete the course, including the completion of the required SSD/DLC level for enrollment into the USASMC. This includes the TIS requirements before maximum age or maximum years of service. Soldiers who were

selected to attend but did not complete the course for any reason other than hardship are not eligible to attend the course again and, therefore, are not eligible for consideration or promotion to SGM. This criterion is not waivable, and exceptions to policy will not be considered.

(9) States will consider all qualified Soldiers who meet the expanded zone of consideration during the life of the promotion list (TIG/TIS) requirements. All Soldiers must otherwise be qualified on the date established in the annual board memorandum of instructions (MOI); this includes CPMOS, Distributed Leader Course, and PME as required in paragraph 1–29. The promotion list, when published, will include all Soldiers who will meet the zone of consideration requirements during the life of the promotion list. Soldiers on the promotion list who fail to meet the TIG/TIS requirements are ineligible and unavailable for selection until they meet TIG/TIS. As Soldiers meet the TIG/TIS requirement, States may code them eligible and available for selection.

b. Paragraph 7-22 (Promotion actions), states, Soldiers may be promoted into vacant positions on the basis of selection by a promotion board and placement in the selection objective of a promotion list, except for the actions in section III of this chapter. All documented positions, including those on carrier unit identification codes (UICs), provisional units, and derivative UICs that are part of the State’s structure are valid for promotion purposes subject to the policies of NGR 600–200, NGR 600–5, and regulations that govern the MT Program. State MPMOs will verify questionable cases and coordinate with the State human resource officer (HRO), as needed.

c. Paragraph 7-23 (Noncommissioned Officers Professional Development System requirements for promotion), states:

(1) MSGs with USASMC credit are promotable on the date assigned to a SGM or CSM position provided they meet all the other criteria in this chapter and NGR 600–200. There is no new training requirement. SGMs (this includes CSMs) with DOR before 1 October 1992 will not attend the USASMC. MSGs/1SGs promoted prior to 1 January 2019 will not be required to attend the Master Leaders Course (MLC).

(2) The Noncommissioned Officer Professional Development System (NCOPDS) courses for promotion are the Army standard.

(3) All categories of Soldiers will complete NCOPDS courses prescribed in their CPMOS (primary or career progression MOS).

d. Paragraph 7-28 (Promotion process), states:

(1) States will conduct annual promotion boards for each grade and publish a promotion list. In the event, the promotion list is exhausted States are authorized to

supplement their annual promotion lists for all grades. The current list is exhausted when it no longer contains any eligible or available Soldiers. States will follow the same procedures for conducting the supplemental boards; however, the TIG and TIS will be calculated from the new board date. The original baseline established during the annual board process will be used as the baseline for all supplemental boards, and when possible, use the same board members. Supplemental boards will consider deployed, non-deployed, and warrior transition unit Soldiers in the process. Soldiers selected by supplemental boards will be integrated into annual promotion lists. The promotion list will identify, in sequence, the best qualified Soldiers who will be assigned to current vacancies (within the State structure) in higher graded positions that go with the promotions per section IX of this chapter.

(2) Each promotion list published by the AG or CNGB is a new list and is intended to remain valid until exhausted or expires on the date established by the AG military personnel division or CNGB.

(3) Once considered and selected for promotion and assigned to a valid position, Soldiers are promotable provided they meet the PME requirement, with an effective date and DOR, on the date they are assigned to the valid higher graded position. Soldiers who are not PME qualified will not be promoted any earlier than the date they graduated from the required PME Course. ARNG Soldiers regardless of status (M-Day or AGR) who are selected and assigned to a higher-grade position are not required to compete on subsequent promotion boards. Soldiers selected pending PME will not compete on future promotion boards unless they are removed from their higher-grade position for failure to complete the required PME or for cause. AGR promotions to MSG and SGM will be promoted effective the date assigned to a valid position, date an AGR controlled grade is authorized, or if applicable, the date graduated from the PME Course, whichever is later. AGR Soldiers selected and assigned to higher graded positions before the list expires but are not promoted because a controlled grade is not available, will remain assigned pending availability of a controlled grade resource. AGR Soldiers selected from the promotion list, pending a control grade are no longer required to compete for the position for which selected.

e. Paragraph 7-47 (Inter-State transfers), states:

(1) Soldiers with promotion list status in one State that transfer to another may be integrated into the new State's promotion list. The State military personnel management office may contact the losing State to obtain the Soldier's official standing and related records or authorize a standby advisory board (STAB).

(2) Integration will be in the Soldier's promotion or CPMOS. When the gaining State does not have the Soldier's CPMOS, reclassify the Soldier, conduct a STAB once the Soldier is MOS qualified, and integrate the Soldier into the list of the new MOS.

(3) Soldiers integrated into approved promotion lists will be administratively reviewed and placed on the list immediately after the individual with more points or the same number of points. States will not require transferred Soldiers from other ARNG units to serve for a specified period before being placed on a promotion list, provided otherwise qualified. When the promotion board in the gaining State held the promotion board with different dates for computation of points than in the losing State, the gaining State MPMO will re-compute the Soldier's administrative and performance points according to the gaining State's promotion board announcement.

(4) It is the gaining State's option to either accept a Soldier that has already been assigned to a higher graded position in the losing State into a higher graded position or a position commensurate with the Soldier's current rank.

3. National Guard Regulation 600-200 (Enlisted Personnel Management), prescribes the criteria, policies, processes, procedures, and responsibilities to classify; assign; utilize; transfer within and between states; provides Special Duty Assignment Pay; separate, and appoint to and from Command Sergeant Major, Army National Guard (ARNG) and Army National Guard of the United States (ARNGUS) enlisted Soldiers.

a. Paragraph 4-7 (Reassignment and position vacancies), states:

(1) Soldiers in grades SFC through SGM may be transferred to a unit only when a position vacancy exists in the applicable MTOE/TDA authorization document. The unit authorizations for SFC, MSG, 1SG, SGM and CSM cannot be exceeded.

(2) Reassignments and promotions to positions authorized higher grades may be made the date the list is published. Soldiers will be promoted on the first date they are eligible per AR 600-8-19 without further action.

//NOTHING FOLLOWS//