

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 December 2023

DOCKET NUMBER: AR20230003223

APPLICANT REQUESTS: reconsideration for promotion selection to master sergeant (MSG)/E-8 by a Standby Advisory Board (STAB).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1613 (Records Cross Reference), 24 October 2022
- Memorandum – Subject: Request for STAB, 20 January 2023
- Memorandum – Subject: Request for STAB, 7 February 2023
- Enlisted Record Brief

FACTS:

1. The applicant states in pertinent part that his last Noncommissioned Officer Evaluation Report (NCOER) (10 August 2022) was not available for the Fiscal Year (FY) 2023 SFC Evaluation Board due to an administrative error in the signature sequencing. The applicant contests that he initially endorsed his NCOER in August 2022. After doing so, he continued to monitor the process but never received confirmation of its successful submission despite repeatedly inquiring with his Senior Rater (SR) and advising him of the board timeline. On 1 October 2022, the applicant was advised by the SR that there was a system error and the NCOER was submitted to Headquarters Department of the Army. However, the DA Form 1613 did not populate prior to the board deadline (3 October 2022); it was too late to submit a letter to the president of the board addressing this issue. On 20 October 2022, the signature sequencing error was identified prompting all parties to reindorse the NCOER in the proper order. He notes the omission of his NCOER significantly impacted his placement on the FY23 order of merit list (number 415). He notes in the previous year (FY22), his sequence number was 275. Since this board, he has completed his bachelor's degree and various other career enhancing training accomplishments.

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

a. On 20 January 2010, the applicant enlisted in the Regular Army to serve as an 18C (Special Forces Engineer Sergeant).

- b. On 14 June 2012, the U.S. Army Installation Management Command issued Orders Number 166-102 awarding the 18C military occupational specialty.
- c. On 15 February 2018, the applicant completed the Special Forces Senior Leader Course.
- d. On 19 March 2018, the U.S. Army Human Resources Command (AHRC) issued Orders Number 78-13 announcing the applicant's promotion to SFC with a date of rank of 1 April 2018.
- e. On 24 October 2022, the applicant was provided with a DA Form 1613, indicating that his NCOER for the period of 11 August 2021 – 10 August 2022 had been successfully filed within the Interactive Personnel Electronic Records Management System (IPERMS). This document is void of a Record Locator Number.
- f. On 10 August 2023, the applicant was provided with a DA Form 1613, indicating that his NCOER for the period of 11 August 2022 – 10 August 2023 had been successfully filed within the Interactive Personnel Electronic Records Management System (IPERMS). This document contains a Record Locator Number.
- g. On 30 October 2023, the U.S. Army Installation Management Command issued Orders Number 303-0268 reassigning the applicant to the transition point pending separation for the purpose of accepting a warrant officer appointment.
- h. On 7 November 2023, the applicant was honorably discharged in order to be appointed as a warrant officer.
- i. As of 15 November 2023, the applicant's records are void of a DA Form 71 (Oath of Office – Military Personnel) reflective of him being appointed a warrant officer.

3. The applicant provides the following a:

- a. Memorandum – Subject: Request for STAB, dated 20 January 2023, reflective of the applicant's submitted justification for why he should be reconsidered for promotion selection to the rank of MSG by a STAB. The applicant reemphasizes the information contained within the opening statement to this Board. This letter is provided in its entirety for the Boards review within the supporting documents.
- b. Memorandum – Subject: Request for STAB, dated 20 January 2023, reflective of the applicant's Training Detachment Director's support of his submitted request noting that he was away on temporary duty during the period of concern and was therefore unable to address the applicant's NCOER concerns until 20 October 2022.

c. Memorandum – Subject: Request for STAB, dated 7 February 2023, reflective of the applicants Director's support of his submitted request noting that the applicant was not at fault for the error in the processing of his NCOER. This error meets the consideration requirements for a STAB as provided by the governing regulation.

d. Enlisted Record Brief reflective of the applicant's pertinent personnel information to include assignment and promotion history.

4. On 17 July 2023, the AHRC, Chief, Enlisted Promotions, provided an advisory opinion noting that the applicant's contentions did not warrant relief and were unsubstantiated. The applicant was evaluated by the FY23 SFC Evaluation Board under the same guidelines as his peers. On 17 June 2020, Memorandum – Subject: Headquarters Department of the Army FY21 NCO Evaluation Boards provides that an NCO's record will be seen by the boards as the record stands as of the date established in the board announcement as all commanders, S-1s, and affected Soldiers are provided ample time to review records and ensure accuracy. There are no appeal or reconsideration options. The STAB process was rescinded and incorporated into the U.S. Army Senior Enlisted Review Board process. AHRC further noted that a review of the applicant's records indicates that he still does not have a DA Form 1613 for the NCOER with a through date of 10 August 2022 within his records. A copy of this advisory opinion is further provided in its entirety for the Board's review within the supporting documents.

5. On 21 July 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 15 November 2023, the applicant has not responded.

BOARD DISCUSSION:

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 agreed that the applicant was given due consideration through evaluation by the FY23 SFC Evaluation Board under the same guidelines as his peers. The Board further agreed that he was provided ample time to review and ensure evidence of record accuracy. The Board further noted that the STAB process has been rescinded and incorporated into the U.S. Army Senior Enlisted Review Board process. After due consideration of the request, the Board determined the evidence presented does not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not warranted.

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.

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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 (AR) 600-8-19 (Enlisted Promotions and Reductions)

a. Paragraph 5-7 (Eligibility Criteria for Selection Board Consideration) provides the eligibility criteria for selection board consideration. A Soldier must meet these criteria before the selection board convenes to qualify a Soldier for inclusion in a zone of consideration. To be considered for promotion to MSG, the service member must have completed 36 months as a SFC, have 12 years' time in service, have completed Structured Self Development/Distance Learning Level 4 and graduated from the Master Leaders Course (to pin on MSG). Soldiers who reached age 57 prior to the convening date of the board are ineligible for promotion consideration.

b. Paragraph 4-13 (Processing Request for Standby Advisory Board Consideration) provides that the Deputy Chief of Staff (DCS), G-1 or designee may approve cases for referral to a STAB upon determining that a material error existed in a Soldier's human resource records when the file was reviewed by a selection board. An administrative error is immaterial, if the Soldier, in exercising reasonable diligence, could have discovered, and corrected the error. Reconsideration normally will be granted when a mandatory, error-free NCOER (that is, annual, extended annual, change of rater) received by HRC in accordance with specific board military personnel message or regulatory requirements was not posted to the Army Military Human Resources Record. A "complete the record" NCOER is an optional report, and the absence of this report will not, under any circumstances, be a basis for reconsideration. Further, the omission of an academic evaluation report (AER) dated 120 days prior to the board convene date does not constitute material error and will not be reason for reconsideration.

2. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//