

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230003528

APPLICANT REQUESTS: Retroactive promotion to major in the Army National Guard, from 29 December 2022 to an earlier date, with back pay and time in grade consideration.

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

- DD Form 149 (Application for Correction of Military Record)
- IPPS - Help Center Summary
- Promotion History of Actions
- NGB Special Orders Number 17AR, dated 12 January 2023
- California Army National Guard (CAARNG) promotion order
- Army Directive 2019-28, dated 19 September 2019

FACTS:

1. The applicant states he wants his promotion date backdated to 100 days after submission to the National Guard Bureau (NGB) (Submitted to NGB 04/05/2022). His packet was lost in the IPPS-A process in April of 2022 and a new case was opened in August. Army Directive 2019-28 outlines the backdating of Unit Vacancy Promotions (UVP) due to administrative delay. He believes that he qualifies for these delay criteria and would like to take the actions needed to recoup that time and money. The Army was in the process of launching IPPS-A for officer promotion packet processing. Post submission, errors in the system resulted in Human Resources Command (HRC) reverting back to the old process and his packet being left in a wait status. A new case for his promotion was opened 4 months later; contributing to a 5-month delay in administrative processing.

2. Having had prior enlisted service, CAARNG Orders 244-1030, dated 31 Aug 2012 appointed the applicant a second lieutenant effective 27 July 2012.

3. On 12 January 2023, the NGB published Special Orders Number 17 AR extending the applicant Federal recognition for promotion to major with an effective date and date of rank of 29 December 2022.

4. Headquarters III Corps And Fort Cavazos Orders 095-0123, dated 4 April 2024, and released the applicant from active duty (REFRAD) in support of Contingency Operation Enduring Freedom (Spartan Shield) for demobilization of forces from a contingency operation.

5. The applicant provided copies of:

a. An IPPS-A Help Center sheet showing the applicant's notification and actions between 13 February 2022 and 4 April 2022

b. A Case Actions sheet showing the processing of his promotion. It shows a new case was started on 26 July 2022 with the actions until 17 August 2022 when the packet was assigned to the scroll.

c. Copies of NGB Special Orders Number AR17 showing his promotion to major effective 29 December 2022 and CAARNG promotion and position assignment.

d. A copy of Army Directive 2019-28 (Authority to Adjust Effective Date of Promotion of a Reserve Commissioned Officer in the Event of Undue Delay in Federal Recognition of Promotion) dated 19 September 2019. This directive establishes policy for identifying and addressing delays in processing ARNG unit vacancy promotion Federal recognition actions pursuant Title 10, United States Code, section 14308(f).

6. The National Guard Bureau provided an advisory opinion on 4 June 2024, in the processing of this case, recommending partial relief stating:

a. The applicant requests an adjustment to his DOR to MAJ from 29 December 2022 to 14 July 2022. He cites delays in the processing of his Unit Vacancy Promotion packet through IPPS-A to NGB FEDREC branch as the basis of his request.

b. The Soldier's promotion packet began the process of Federal Recognition at the state level on 13 February 2022 and was assigned to an analyst in NGB HRP-R on 5 April 2022. Due to a duty title mismatch error, the packet was delayed in processing. It was then re-uploaded on 26 July 2022 and was assigned to a scroll on 17 August 2022.

c. Per NGR 600-100, to be extended Federal Recognition in the next higher grade, officers must satisfy the requirements prescribed in the regulation and the President of the United States (POTUS) or the Secretary of Defense acting on behalf of the POTUS, must first approve the promotion as a Reserve Officer of the Army through the scrolling process.

d. The Army National Guard Federal Recognition office identifies the time frame for assignment to a scroll to be approximately two to three weeks and the general

processing time for a scroll to be completed as approximately six to eight months. Based on the average processing times, and processing scroll approval, and as a matter of equity, it is the recommendation of this office and of the NGB Federal Recognition branch for the Soldier's DOR to be adjusted to 1 October 2022. The

e. This opinion was coordinated with the Army National Guard Federal Recognition branch. The CAARNG did not provide input on this case.

7. A Copy of the advisory opinion was forwarded to the applicant with no reply or additional comments being of record.

8. The authority granted by Title 10, U.S. Code, Section 1552 (Correction of Military or Naval Records) is not unlimited. The ABCMR has the authority to correct only Army records. The Board has no authority to correct records created by the Department of Defense, other branches of the Services, Department of Veterans Affairs, or any other governmental agency. In the case of ARNG discharges (NGB Form 22), they are State not Federal actions and primarily under the total control of the State Adjutant General. The ABCMR may only recommend possible actions.

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 applicant's unit submitted a unit vacancy promotion packet pertaining to the applicant. However, due to a duty title mismatch error, the promotion packet was delayed in processing. It was then re-uploaded on 26 July 2022 and was assigned to a scroll on 17 August 2022. The applicant was extended Federal recognition on 29 December 2022. The Army National Guard Federal Recognition office identifies the time frame for assignment to a scroll to be approximately two to three weeks and the general processing time for a scroll to be completed as approximately six to eight months. The Board reviewed and agreed with the NGB advisory official's finding that based on the average processing times, and processing scroll approval, and as a matter of equity, that the applicant's date of rank for promotion to major be adjusted from 29 December 2022 to 1 October 2022.

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 amending Special Orders Number 17 AR that extended the applicant Federal recognition for promotion to major with an effective date and date of rank of 1 October 2022.

█

█ █

█

█

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:

Army Directive 2019-28 (Authority to Adjust Effective Date of Promotion of a Reserve Commissioned Officer in the Event of Undue Delay in Federal Recognition of Promotion).

1. References:
 - a. Title 10, United States Code, section 14308(f).

b. Department of Defense Instruction 1320.14 (Commissioned Officer Promotion Program Procedures); December 11, 2013; Incorporating Change 2, Effective March 13, 2019.

c. National Guard Regulation 600-100 (Commissioned Officers - Federal Recognition and Related Personnel Actions), 15 April 1994.

d. National Guard Regulation 600-101 (Warrant Officers Federal Recognition and Related Personnel Actions), 10 September 2018.

2. Purpose. This directive establishes policy for identifying and addressing delays in processing Army National Guard (ARNG) unit vacancy promotion Federal recognition actions pursuant to reference 1a.

3. Guidance

a. Effective immediately, an ARNG unit vacancy promotion appointment scroll will be considered delayed for the purposes of this directive when processing exceeds a set limit of days as a result of administrative delay within Headquarters, Department of the Army. To be designated as unduly delayed, the scroll package must meet the following conditions:

(1) The processing time within Headquarters, Department of the Army from the day of first receipt at the Directorate of Military Personnel Management, Office of the Deputy Chief of Staff, G-1 must exceed 100 days because of a processing delay or administrative error.

(2) The delay is not the result of a promotion review based on adverse information pertaining to an officer whose name appears on the promotion appointment scroll discovered through exemplary conduct screening.

(3) The delay is not attributable in any other manner to the action (or inaction) of an officer whose name appears on the promotion appointment scroll.

b. When a delayed scroll meets the criteria in paragraph 3a, the Secretary of the Army will determine the effective date for promotion for ARNG commissioned and warrant officers on the affected scroll. The date will not be earlier than 100 days from the date the Directorate of Military Personnel Management first receives the scroll package from the National Guard Bureau, or the date of the most recent previously approved Federal recognition list, whichever is later.

c. This policy does not apply to officers whose nominations result from Promotion Review Boards or Promotion Review Panels.

4. Proponent. The Chief, National Guard Bureau (CNGB) is the proponent for this policy and will ensure the provisions of this directive are incorporated in references 1c and 1d within 2 years of the date of this directive. The CNGB will also establish internal procedures as necessary to manage execution.

5. Duration. This directive is rescinded upon publication of the revised regulations.

//NOTHING FOLLOWS//