

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 December 2023

DOCKET NUMBER: AR20230003609

APPLICANT REQUESTS: in effect, correction of his captain (CPT)/O-3 Date of Rank (DOR) as a chaplain to the date he was accessed in July 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 29 August 2019
- Secretary of Defense appointment letter/scroll, 18 May 2022
- California Army National Guard (CAARNG) email communication, 24 and 29 June 2022
- National Guard Bureau (NGB) email communication, 29 June 2022
- NGB promotion memorandum to CPT, 1 February 2023

FACTS:

1. The applicant states:

a. Upon accessing into the Chaplain Corps (CC), he was accessed as a first lieutenant (1LT)/O-2 instead of a CPT. He had the time and grade due to his Chaplain Candidate time and his civilian ministry experience as a full time Pastor allowed him to come in as a CPT.

b. He went to Chaplains Basic Officer Leadership Course (CHBOLC) in May of 2019 and graduated in August of 2019. He did not receive his correct rank until he accessed as a Chaplain in 2021. The military did back date his 1LT to August 2019 and he also received that correct back pay. However, they accessed him as a 1LT when he should have been a CPT. He was promoted to CPT on 28 February 2023 with a DOR of 18 May 2022. However, his correct DOR for CPT should be when he accessed in July 2021.

c. He has been working with the State Chaplains office as well as California State Military Department to resolve the problem. They were told that because his assessment packet was submitted incorrectly but somehow went through it was hard to

change the correction. They also have been working with the NGB and the Chaplains office there to correct the situation. Many people have been involved and now that his rank is correct, he was told by Chief Warrant Officer Four (CW4) S_ of the CAARNG to submit a request to the Army Board for Correction of Military Records (ABCMR).

2. A review of the applicant's military record shows the following:

a. He enlisted in the Nebraska Army National Guard (NEARNG) on 28 April 2011.

b. On 7 May 2016, he was granted a Bachelor of Science degree in Bible, Psychology - Social Work.

c. On 22 May 2017, NGB Form 22 (Report of Separation and Record of Service) shows he was discharged from the NEARNG "on appointment as a commissioned or warrant officer." He completed 6 years and 25 days net service this period.

d. On 23 May 2017 –

(1) NGB Form 89 (Proceedings of a Federal Recognition (FEDREC) Examining Board) shows the FEDREC Board found the applicant to be qualified and recommended he be granted FEDREC as a seminary student in area of concentration 56A (Chaplain).

(2) DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1 and executed an oath of office.

(3) NGB Form 337 (Oaths of Office) shows he executed an additional oath of office in the NEARNG. This oath of office granted him temporary FEDREC in the rank of 2LT.

e. On 7 June 2017, the NEARNG, Office of the Adjutant General published Orders Number 158-711, which appointed the applicant as a "seminary student" in the ARNG, effective 23 May 2017.

f. On 13 June 2017, NGB Form 62E (Application for FEDREC as an ARNG Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the ARNG of the United States) shows the NEARNG State Adjutant General endorsed the applicant's request for FEDREC and appointment as a Reserve Officer in the ARNG as a 2LT, Chaplain Candidate. The form also shows, in pertinent part, he was enrolled in the Master of Divinity program at Western Seminary Sacramento Campus, Rocklin, CA, from 29 August 2016 to present.

g. On 13 November 2017, the NGB issued a memorandum which appointed the applicant as a Reserve commissioned Officer of the Army, effective 23 May 2017.

h. NGB Form 337 shows the applicant executed an oath of office as a 2LT in the CAARNG on 3 January 2018.

i. On 8 January 2018, Orders Number 8-1020 published by the CAARNG, the applicant was appointed in the ARNG in the rank/grade of 1LT/O-2, effective 3 January 2018.

j. On 9 January 2018, Orders Number 9-1232 published by the CAARNG, amended Orders Number 8-1020 and changed the applicant's appointment rank in the ARNG from 1LT to second lieutenant (2LT)/O-1, effective 3 January 2018.

k. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant attended and completed Chaplain Initial Military Training and CHBOLC during the period of 30 May to 29 August 2019.

l. DD Form 214 shows he entered active duty this period on 27 June 2019 and was honorably released from active-duty training and transferred to his CAARNG unit on 29 August 2019. Item 12c (Net Active Service This Period) shows he completed 2 months and 29 days of net active service.

m. On 23 June 2021, NGB Form 62E shows the applicant applied for FEDREC and appointment as a 1LT Chaplain. On 8 September 2021, the CAARNG Adjutant General Office endorsed the applicant's request to the NGB requesting that FEDREC be extended to the applicant. The form also shows, in pertinent part, he was awarded a Master of Divinity degree from Grand Canyon University on 19 May 2021.

n. On 16 July 2021, NGB Form 337 shows he executed an oath of office in the CAARNG as a 1LT/O-2. This oath of office shows he was granted temporary FEDREC in the rank/grade of "CPT/O-3."

o. On 31 August 2021, the CAARNG published Orders Number 0001360228.00 which rehired the applicant as a Chaplain in the rank of 1LT, effective 9 July 2021.

p. On 1 February 2023, the NGB published Special Orders Number 39 AR which extended FEDREC and promoted the applicant to CPT, effective on with a DOR of 18 May 2022.

q. On 23 February 2023, the CAARNG published Orders Number 0004067619.00 which promoted the applicant to CPT, effective 18 May 2022. The Orders show his position and title as Chaplain and a rank and entry date of 18 May 2022.

r. On 12 September 2023, NGB Form 337 shows the applicant executed an oath of office in the NEARNG. This oath of office granted him temporary FEDREC in the rank/grade of CPT/O-3.

s. The applicant's records are void of a DD Form 2088 (Statement of Ecclesiastical Endorsement) and neither does he provide one which would show his relevant/requisite pastoral experience required for consideration for appointment at a higher rank/grade.

3. The applicant provides:

a. Secretary of Defense appointment letter/scroll dated 18 May 2022, which shows the applicant was appointed to CPT in the Reserve of the Army under Title 10, United States Code (USC), Section 12203.

b. CAARNG email communication dated 24 and 29 June 2022, which shows the CAARNG and NGB discussing the applicant's promotion eligibility. It states, the applicant became eligible for promotion to 1LT around 2021 and his unit submitted him for promotion in a timely manner. The applicant completed his education requirements while the FEDREC to 1LT was in progress, he completed his education requirements to be reappointed to CPT 56A Chaplain. However, since the FEDREC process took so long he was boarded as a 2LT and approved by the NGB Chaplain Board for 1LT 56A Chaplain. To correct the issue, NGB Specialty Branch personnel requested the applicant be reboarded so he may be approved for reappointment as CPT 56A Chaplain. This was not possible as applicants approved cannot be reboarded as stated by Major M_ Chaplain NGB Board Officer In-Charge.

c. NGB email communication dated 29 June 2022, which shows the NGB and CAARNG discussing the "CCCR Scroll." The email also states, it appears the applicant should have been appointed as a CPT 56A but was appointed as a 1LT. "He has enough total commissioned service time to be a CPT, but the author does not have access to his accession board documents (Constructive Credit Worksheet, etc. in DCA). His office will provide whatever documentation is necessary to support the officer is [if] a ABCMR is necessary."

4. On 19 January 2024, the National Guard Bureau – Special Actions Branch provided an advisory opinion recommending disapproval of the applicant's request finding the applicant was accessed into the chaplains' s corps as a second lieutenant (2LT) but should have been accessed as a first lieutenant (1LT) using constructive civilian education, ministry time and chaplain candidacy time. The error was rectified by back dating his 1LT DOR to 16 July 2021. The applicant now states that he had met the eligibility requirements to be accessed as a CPT vice a 1LT. After review by NGB, the applicant was eligible to be accessed as a 1LT at the time his accession packet was

submitted. He was incorrectly accessed as a 2LT which was rectified by backdating his 1LT with a DOR 16 July 2021.

5. The advising official determined the applicant was unit vacancy promoted upon eligibility to CPT with a DOR of 18 May 2022. They found the applicant did not meet the requirements to be accessed as a CPT at the time of packet submission IAW NGR 600-100 and DoDI 1312.03. It is the recommendation of this office that the applicant's request be disapproved. The applicant met the requirements to be accessed into the Chaplain Corps as a 1LT at the time of packet submission to specialty accessions branch. He was unit vacancy promoted to CPT when eligible with a DOR of 18 May 2022. No further adjustment of DOR is needed. This advisory opinion was coordinated with the California Army National Guard, National Guard Bureau Specialty Branch Accessions and National Guard Bureau Federal Recognition Branch.

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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and National Guard Bureau – Special Actions Branch, the Board concurred with the advising official recommendation for disapproval finding the applicant was incorrectly accessed as a 2LT which was rectified by backdating his 1LT with a DOR 16 July 2021. The opine noted the applicant was unit vacancy promoted upon eligibility to CPT with a DOR of 18 May 2022.

2. The Board determined there is insufficient evidence to support the applicant's contentions for correction of his captain (CPT)/O-3 Date of Rank (DOR) as a chaplain to the date he was accessed in July 2021. The Board agreed based on the opine, the applicant did not meet the requirements to be accessed as a CPT at the time of packet submission IAW NGR 600-100 and DoDI 1312.03. Therefore, the Board denied relief.

BOARD VOTE:

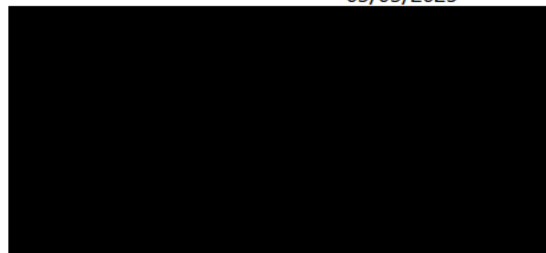
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:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

03/03/2025



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.

ADMINISTRATIVE NOTE(S): N/A

REFERENCES:

1. Army Regulation (AR) 165-1 (Army Chaplain Corps Activities) establishes the policies, duties, and responsibilities of the U.S. Army Chaplain Corps in meeting the Army's religious and moral requirements in support of Title 10, USC (10 USC), Department of Defense Directives (DODDs), and Department of Defense instructions (DODIs), and Chief of Chaplains (CCH) requirements.

a. Paragraph 6-13 (Chief of Chaplains Accession Selection Boards) provides that, CCH Accession Selection Boards operate under the following criteria: (1) The CCH is

the convening authority for Accession Selection Boards. The DCCH chairs the Accession Committee. (2) The CCH will convene, as needed, accession selection boards to consider applications for chaplain appointment or reappointment to Army Chaplain Corps Chaplain Candidate Program. (3) The CCH is the approving authority for appointments to the Army Chaplain Corps. Upon completion of each Accession Selection Board, the CCH will forward a memorandum of appointment for those approved to U.S. Army Human Resources Command (HRC) and the NGB requesting a commission be issued.

b. Paragraph 6-14 (Accession requirements) states, in pertinent part:

(1) Chaplains serve in the U.S. Military as representatives of their distinctive religious group. The Government provides for the free exercise of religion through the broadest possible representation of credentialed professional religious clergy made available to the military through the process of endorsement. Endorsement is the official formal statement by competent authority of a RO attesting to the credentials of an individual as a qualified professional religious leader. The various religious groups are referred to as endorsing agencies (see DODD 1304.19 and DODI 1304.28).

(2) Chaplain and chaplain candidates are accessioned into the Army based upon compliance with a variety of factors prescribed in DOD policy, CCH policy, and formal accession board actions. (a) A religious group (referred to as an endorsing agency) listed with the AFCB submits the completed DD Form 2088 (Statement of Ecclesiastical Endorsement) directly to DACH. (b) An applicant meets educational standards in accordance with DODI 1304.28. (c) An applicant for chaplain fulfills professional experience requirements in accordance with DODI 1304.28 following completion of the qualifying graduate degree. (d) An applicant is interviewed by a senior-level chaplain designated by DACH. (e) Initial appointment of grade for the respective components will be made in accordance with AR 135-100 and reference to DA Pam 165-17. See DA Pam 165-17 for conditions and procedures for grade and date of rank determinations.

2. AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army) prescribes policy and procedures for the appointment of commissioned and warrant officers in the Army National Guard of the United States (ARNGUS) and the United States Army Reserve (USAR). Chapter 3, Section III (Appointment of Chaplains), states, in pertinent part:

a. Paragraph 3-6 (Special requirements), provides that applicants for initial appointment in ranks above second lieutenant and former officers without prior service as chaplains must meet the following criteria: (1) Education – (a) Possess a baccalaureate degree of not less than 120 semester hours from a college that is listed in the Education Directory, Colleges and Universities or from a school whose credits are accepted by a college listed therein. (b) Have completed 3 resident years of graduate

professional study in theology or related subjects (normally validated by the possession of a Master of Divinity or equivalent degree or 90 semester hours), that lead to ecclesiastical endorsement as a member of the clergy fully qualified to perform the ministering functions of a chaplain, at a graduate school listed in the Education Directory Colleges and Universities or an accredited school listed in the Directory, ATS Bulletin Part 4 or at a school whose credits are accepted by a school listed as accredited in these two documents. (c) As an exception to (b) above, a senior seminary student may apply 180 days before graduation and ordination. This is provided the request is for appointment with concurrent Active Duty (AD). Along with the transcript of undergraduate credits, an applicant must submit a consolidated transcript of graduate credits completed at the time of application. Also include a statement from the registrar of the hours that will be completed on graduation. The Chief of Chaplains will verify successful completion of graduate studies prior to appointment.

b. Receive endorsement from an ecclesiastical endorsing agency recognized by the Armed Forces Chaplains Board. In granting ecclesiastical endorsement, endorsing agents must use DD Form 2088 (Statement of Ecclesiastical Endorsement).

c. Each applicant must be interviewed by a senior chaplain, Active or Reserve Component, who will serve as a field screening chaplain. This requirement does not pertain to applicants for the Staff Specialist branch (Chaplain Candidate). The applicant will list the date and place of the interview and the identity of the interviewing chaplain in the Remarks section of NGB Form 62 (Application for Federal Recognition as an Army National Guard officer or Warrant officer and Appointment as a Reserve Commissioned officer or Warrant officer of the Army in the Army National Guard of the United States.) or DA Form 61.

d. Each chaplain applicant will complete, date, and sign the statement of understanding for chaplain appointment. This serves as the final action of applying for appointment as chaplain with any and all components of the Army chaplaincy. It must be completed after the interview required by paragraph 3–6b has been conducted.

e. Paragraph 3–7 (Appointment grade and date of rank) states, appointment will not be made in the rank of second lieutenant, except as provided in (2) below or in general officer grades. Entry grade and date of rank in commissioned officer grades will be determined by the entry grade credit awarded on appointment. The entry grade credit awarded will be the sum of the prior commissioned service allowed. This includes the amount of constructive service credit allowed (paragraph 3–7a(3) and (4)). A period of time will be counted only once when computing credit. Appointment may be made in the following grades:

(1) Applicants without prior commissioned service will be credited with 3 years service in an active status. They will be appointed in the rank of first lieutenant.

(2) Reserve Component commissioned officers will be ordered to Active Duty with assignment to the Chaplain Branch. Assignment will be in their Reserve grades unless a higher grade, below that rank of major is authorized.

(3) Former commissioned officers (other than commissioned WOs) will be appointed in the highest grade for which they qualify. This is based on the total credit allowed under (3) and (4) below.

(4) Reserve Component commissioned officers of an Armed Force other than the Army approved for interservice transfer may be appointed in the Reserve of the Army. These officers will be given the same grade and date of rank (DOR) as held in the former Armed Force.

f. Applicants (paragraph 3–6d) may be appointed as 2LT with assignment to the Staff Specialist Branch, SSI 00A56. This is until they become eligible for appointment as 1LT in the Chaplain Branch. An applicant when appointed as a 1LT will be credited with the actual service and constructive service credit allowed under (3) and (4) below. Such credit will not be less than 3 years service in an active status.

g. Constructive service credit. The purpose of constructive service credit is to provide grade and DOR comparability. This is for a person who begins commissioned service after obtaining the additional education, training, or experience required for appointment or assignment as a commissioned officer in a professional field. This relates to a contemporary who began commissioned service immediately after obtaining a baccalaureate degree. Compute and award constructive service credit as follows:

- Count a period of constructive service only once
- Do not count periods of time spent in an active status as a commissioned officer or on AD
- Credit qualifying periods of less than 1 full year proportionately
- The number of years creditable as constructive service credit may not exceed the following:
 - 3 years for entry grade for appointment or assignment
 - 1-year for seven or more years of extensive practical experience in a ministry as documented on DD Form 2088 submitted by the individual's Ecclesiastical Endorsing Agency
 - One-half year for each year to maximum 3 years for unusual cases involving special experience or unique qualifications as determined by the Secretary of the Army or his designee, upon the recommendation of the Chief of Chaplains

h. Prior active commissioned service credit. Credit for prior service as a commissioned officer may not exceed that computed in accordance with the following table: Qualifying periods of less than one full year shall be proportionately credited. Table 3-2 (Qualifying periods) shows:

- Active Duty commissioned service to include periods of active duty for training is authorized 1 year service credit for each year served
- Commissioned service in an active status, but not on active duty, for persons appointed as Reserve commissioned officers is authorized 1 year service credit for each year served

i. Maximum entry grade credit. Total entry grade credit granted will not exceed that which the person needs to receive an entry grade of major.

j. Date of rank (DOR). (1) The DOR of an officer commissioned in the Reserve of the Army and appointed to the Chaplain Branch will be determined by the entry grade credit awarded on appointment. (2) The DOR of a chaplain in the Reserve of the Army, ordered to AD and placed on the Active Duty List (ADL), may be adjusted. This is provided under AR 600–20 (Army Command Policy).

3. DODI 1304.28 (The Appointment and Service of Chaplains) establishes policy, assigns responsibilities, and identifies education and ecclesiastical requirements for appointing chaplains in the Military Departments.

a. Paragraph 3.4. (DD Form 2088 - Statement of Ecclesiastical Endorsement) states, a new DD Form 2088 is required every time a chaplain's career status changes, as defined in this issuance and by the Military Department concerned, to re-endorse the qualifications of the chaplain concerned.

b. Paragraph 3.5. (Chaplaincy Application Requirements) states, in pertinent part, applicants will be appointed as chaplains in accordance with Sections 531 and 12203 of Title 10, USC, and DoDI 1310.02. Applicants will be awarded entry grade credit in accordance with Sections 533 and 12207 of Title 10, USC, and DoDI 1312.03.

4. DODI 1312.03 (Entry Grade Credit for Commissioned Officers and Warrant Officers) establishes policy, assigns responsibility, and details procedures governing the award of entry grade credit to persons receiving original appointments as regular or reserve commissioned officers or warrant officers.

a. Paragraph 3.1. (Entry Grade Credit) states, subject to the limitations in this section, a person's entry grade, date of rank, and service in grade for promotion eligibility will be determined by the amount of entry grade credit awarded upon original

appointment. The amount of entry grade credit will equal the sum of the prior commissioned service credit and the constructive service credit a person is given.

b. Administration of Entry Grade Credit provides that: (1) Credit will be awarded pursuant to Sections 533 and 12207 of Title 10, USC, and this issuance. (2) A period of time will be counted only once when calculating entry grade credit. (3) Qualifying periods of less than 1 full year will be proportionally credited to the nearest day. (4) Prior commissioned service credit will be calculated before constructive service credit.

c. Entry Grade and Promotion Phase Points states provides that: (1) A person granted entry grade credit in accordance with this instruction and placed on the active-duty list (ADL) or reserve active-status list (RASL) of a Military Service will have an entry grade determined by comparing entry grade credit with the appropriate promotion phase points of the Military Service and competitive category concerned. (2) Credit awarded that exceeds the amount used to establish the entry grade will be used to adjust the date of rank.

5. DODI 1310.01 (Rank and Seniority of Commissioned Officers) states the Secretary of the Military Department concerned may adjust the DOR of an officer, except a general or flag officer, appointed to a higher grade under Title 10, USC, sections 624(a) or 14308(a) if the appointment of that officer to the higher grade is delayed by unusual circumstances. The Secretary of the Military Department concerned must determine that the unusual circumstance caused an unintended delay in processing or approval of the selection board report or promotion list in order for an officer's DOR to be adjusted.

6. AR 15–185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.

//NOTHING FOLLOWS//