

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 December 2023

DOCKET NUMBER: AR20230003632

APPLICANT REQUESTS: in effect, the correction of her records to show she was paid applicable back pay and allowances for her retroactive promotion to the rank/grade of captain (CPT)/O-3 with the Date of Rank (DOR) of 1 May 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- Fiscal Year (FY) 2021, Army Competitive Categories (ACC), Fully Qualified Certification Results
- Headquarters (HQs), U.S. Army Garrison, Fort Benning Orders Number 111-2220
- DA Form 1559 (Inspector General (IG) Action Request)
- DD Form 214 (Certification of Release or Discharge from Active Duty)
- U.S. Army Human Resources Command (HRC) Memorandum, Subject: Supplemental Certification Board Results FY20
- HQs, U.S. Army HRC Orders Number 172-002
- Department of Veterans Affairs (VA) letter

FACTS:

1. The applicant states in effect, the U.S. Army Human Resources Command (HRC) committed an error that caused her records to be omitted from the FY 20 Promotion Selection Board (PSB) for CPT. To correct the error, a supplemental board was conducted, and she was selected for promotion. A promotion order was published for promotion to the rank/grade of CPT/O-3 for the effective date of 1 May 2021 with the same DOR. However, it was not published until after the effective date of her disability retirement.

2. A review of the applicant's service records shows:

a. With prior Army National Guard and U.S. Army Reserve (USAR) enlisted service, on 29 November 2016, Orders Number 334-008, issued by HQs, U.S. Army Cadet Command, the applicant was assigned to the USAR Control Group (Officer Active-Duty Obligor (OADO), effective 17 December 2016.

b. On 15 December 2016, Orders Number 350-05, issued by the Department of Military Science NM Military Institute, the applicant was selected from the Reserve Officers' Training Corps Early Commissioning Program and assigned to the USAR Control Group (OADO), effective 16 December 2016.

c. On 17 December 2016, the applicant executed her oath of office and was appointed a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.

d. On 30 January 2017, Orders Number C-01-701378, issued by HRC, the applicant was assigned to a USAR Troop Program Unit for appointment, effective 17 December 2016.

e. On 23 February 2018, a State of VT Superior Court order changed the applicant's name to [REDACTED].

f. On 18 April 2018, Orders Number A04890017, issued by HRC, the applicant was ordered to active duty in the rank/grade of 2LT for an active-duty commitment obligated volunteer officer for 6-years, effective 22 July 2018.

g. On 20 June 2018, Orders Number B-06-804863, issued by HRC, the applicant was promoted to the rank/grade of first lieutenant (1LT)/O-2, effective on with a DOR of 16 June 2018.

h. The applicant achieved course standards during her attendance at the Infantry Basic Officer Leader Course during the period of 4 November 2018 through 1 February 2019.

i. On 5 April 2022, the informal Physical Evaluation Board found the applicant, in the rank of 1LT, physically unfit for retention and recommended that she be placed on the Permanent Disability Retired List (PDRL) with 60 percent disability.

j. On 21 April 2022, Orders Number 111-2220, issued by HQs, U.S. Army Garrison, Fort Benning, the applicant was placed on the PDRL with 60 percent disability, effective 18 July 2022 in the rank of 1LT.

k. On 29 April 2022, Orders Number 119-003, issued by HRC, a determination was made which affected the applicant's promotion status to show her rank as 1LT with the active date of rank of 16 June 2018.

l. On 17 July 2022, the applicant was honorably retired from active duty by reason of disability, permanent, and assigned to the USAR Control Group (Retired Reserve).

DD Form 214 shows the applicant completed 3-years, 11-months and 28-days of active service. It also shows in items:

- 4a (Grade, Rate or Rank): 1LT
- 4b (Pay Grade): O2
- 12i (Effective Date of Pay Grade): 16 June 2018

3. The applicant provides:

a. FY21 CPT ACC, Fully Qualified Certification Results that was released on 16 December 2021 which does not reflect the applicant's name.

b. DA Form 1559 which shows the applicant completed an IG action request for assistance to have a Special Selection Board (SSB) to be considered for promotion to the rank of CPT. The applicant stated she notified her chain of command, and it was determined that her unit was unable to assist as the error occurred at the HRC level. In 2018, she was informed that her year group was to be a part of the FY20 PSB; however, she was misinformed when she was slated to be considered for promotion on the FY20. When she also missed the FY 22 PSB she began to contact her career branch for assistance. She found out the career branch had her listed as a 2LT, which had been since correct. She then contacted HRC promotions branch and found that it could take up to 12-months to process a request for an SSB.

c. HRC Memorandum dated 20 September 2022, Subject: Supplemental Certification Board Results FY20 notified the applicant she was considered and selected for promotion to CPT by a Department of the Army Supplemental Certification Board under the FY20 CPT ACC criteria. The announcement alone could not be used to forecast an effective date for promotion, nor can it be used in place of promotion orders. The Department of the Army Special Orders team would produce appropriate promotion orders separately.

d. HQs, HRC Orders Number 172-002 dated 29 September 2022 which promoted the applicant to the rank/grade of CPT/O-3, effective on with a DOR of 1 May 2021.

e. VA letter dated 25 February 2023 which notified the applicant of her summary of benefits for a 70 percent service-connected disability effective 1 December 2022.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 U.S. Army Human Resources Command (AHRC) memorandum, the Board determined there is sufficient evidence to correct the applicant’s records to reflect she was paid applicable back pay and allowances for her retroactive promotion to the rank/grade of captain (CPT)/O-3 with the Date of Rank (DOR) of 1 May 2021. As such, the Board granted relief.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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 records of the individual concerned be corrected by:

- paying the applicant applicable back pay and allowances for her retroactive promotion to the rank/grade of captain (CPT)/O-3 with the Date of Rank (DOR) of 1 May 2021.
- change the retired rank of the applicant reflected on her retirement order (Orders 111-2220, dated 21 April 2022), to show a retired rank/ grade of CPT/O3.

12/16/2023

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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending July 17, 2022, by:

a. Delete:

- Item 4a (Grade, Rate or Rank): 1LT
- Item 4b (Pay Grade): O2
- Item 12i (Effective Date of Pay Grade): 16 June 2018

b. Add:

- Item 4a: CPT
- Item 4b: O3
- Item 12i: 1 May 2021

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 service ending July 17, 2022
- HQs, HRC Orders Number 172-002

3. Please correct the applicant's DD Form 214 by amending it as shown in paragraph 1a and b above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Army Regulation (AR) 600-8-105 (Military Orders), prescribes the policies and mandated operating tasks for the orders program of the military personnel (MILPER) system. It establishes standards and provides an operational document in a logical sequence. Paragraph 2-25 (Amendments, revocations, and rescissions), a. Only the organization that published the original order may amend, rescind, or revoke the order. Commanders may revoke award orders if issued by another headquarters only when authorized under AR 600-8-22. Exceptions to this policy are as follows:

- Commanders may revoke orders issued by another headquarters announcing a promotion to sergeant and staff sergeant

- U.S. Army transition centers may rescind unexecuted portions of Formats 501 and 526 on or before the date of discharge or relief from active duty shown in the order when the Soldier will transition after the effective date in the order
 - Do not issue another order to revoke the revocation or rescission
 - If any action has been taken in compliance with an order, the order shall not be revoked, and only the unexecuted portion of the order may be rescinded
 - When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge

2. AR 600-8-29 (Officer Promotions), prescribes the officer promotion function of military human resources (HR) support operations. It provides principles of support, standards of service, policies, tasks, rules, and steps governing all work required in the field to support Active Component officer promotions. Paragraph 6-10 (Effect of selection for promotion), Officers selected for promotion by an SSB will, as soon as practicable, be appointed to that grade in accordance with Title 10, United States Code (USC), section 624. An officer appointed to the next higher grade as the result of the recommendation of an SSB will have the same date of grade, the same effective date for the pay and allowances of that grade, and the same position on the ADL as the officer would have had if he or she had been recommended for promotion to that grade by the board which should have considered, or which did initially consider, him or her. In the case of an officer who is not on the ADL when appointed to the next higher grade, placement on the ADL pursuant to the preceding sentence will be only for purposes of determination of eligibility of that person for consideration for promotion by any subsequent SSB.

3. Title 10, USC, section 624 (Promotions: how made), a (3) (E), if the Secretary of the military department concerned determines that one or more officers or former officers were not placed on an all-fully-qualified-list under this paragraph because of administrative error, the Secretary may prepare a supplemental all fully qualified-officers list containing the names of any such officers for approval in accordance with this paragraph.

4. Title 10 USC, section 741 (Rank: commissioned officers of the armed forces), (d) (4) (C)The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer's pay and allowances for that grade.

5. Title 10, USC, section 1552 (c) (1) states the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if,

as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//