

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 August 2024

DOCKET NUMBER: AR20230003679

APPLICANT REQUESTS: correction of his date of rank (DOR) and effective date for his promotion to captain (CPT)/O-3 in the Army National Guard.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) letter
- California Army National Guard (CAARNG) letter
- CAARNG Orders
- Four emails
- NGB Personnel Policy Operational Memorandum Number 21-040
- NGB Strength Maintenance Operational Memorandum Number 21-040
- NGB Special Orders

FACTS:

1. The applicant states he is asking the Board to adjust his DOR and the effective date for his promotion to CPT from 23 January 2023 to 13 February 2022 (or the appropriate date based on when the scroll for his promotion was published).

a. On 14 January 2022, the applicant's leadership selected him for a unit vacancy promotion (UVP); however, he was not added to the Preliminary Screening List (PSL) until 16 August 2022. The applicant points out that he had no adverse actions in his file and there was no reason to prolong the Federal recognition process.

b. The applicant maintains that, as outlined in Title 10, United States Code (USC), section 14308 (f) (Promotions: How Made – Effective Date of Promotion After Federal Recognition), the length of time it took for Federal recognition constitutes an "undue delay." He points out that his promotion took much longer than 120 days.

c. The applicant attributes the delay, at least in part, to the revocation of "Adobe Flash," which the NGB used for the eTracker system, and the IPPSA-CRM (Integrated Personnel and Pay System-Army – Case Relationship Management) transition. He notes he did not learn he had been added to the PSL until 16 August 2022 and adds,

"The NGB FEDREC process map indicates that promotion packets should be accepted by HRP-R within 10 days."

d. The applicant concludes, "This delay has a profound effect on a commissioned officer's career path and progression timeline. This can cause the officer to be considered 'not qualified' to not only attend their next level of professional education, but for key developmental assignments, and competitiveness amongst their peers for next level of commands as well. You can see how this has a ripple effect that will only compound over time."

2. The applicant provides emails describing issues with the eTracker and IPPS-A-CRM; NGB memoranda addressing the transition from eTracker to IPPS-A; and orders reflecting the DOR and effective date of his promotion to CPT is 23 January 2023. Additionally, he submits two letters, addressed to his U.S. Representative, and respectively from NGB and the CAARNG:

a. NGB letter, dated 10 February 2023:

(1) The letter provides the following timeline:

- 13 February 2022 – the CAARNG entered the applicant's UVP packet into IPPS-A for processing
- 4 April 2022 – NGB's Federal Recognition (FEDREC) analyst returned the packet to CAARNG for correction
- 5 April 2022 – CAARNG uploaded the corrections into IPPS-A
- 6 April 2022 – CAARNG sent the packet back to the FEDREC analyst
- 16 August 2022 – NGB added the applicant's name to PSL 28-22 and forwarded the PSL to Department of the Army, Deputy Chief of Staff, G-1, Directorate of Military Personnel Management (DMPM) for adverse screening
- 4 October 2022, DMPM notified NGB's FEDREC team that it had completed the adverse screening and had placed the applicant on UVP scroll PL01-23
- As of 10 February 2023, scroll PL01-23 was pending final approval by the Secretary of Defense (SECDEF)

(2) NGB acknowledged that UVP packets can take up to 120 days for SECDEF approval, and that the FEDREC system had been experiencing a backlog due to the necessity of processing actions in the IPPS-A CRM during intermittent "brown-out(s)" versus the old system, eTracker. NGB additionally suggested that, upon the issuance of the FEDREC promotion order, the applicant could petition the Army Board for Correction of Military Records (ABCMR) for an adjustment in his DOR and promotion effective date.

b. CAARNG letter, dated 16 February 2023:

(1) The CAARNG provided the applicant's U.S. Representative with a copy of the applicant's promotion order, listing his effective date as 23 January 2023, and added that, "Unfortunately, the delay in processing promotions is a known issue to the NGB."

(2) A law recently signed by the President of the United States would make a significant change to how the ARNG processed officer promotions; beginning in January 2024, officers whose FEDREC took more than 100 days were to have their promotion effective date retroactively dated to when the State first submitted their FEDREC packets to the NGB.

(3) CAARNG had informed the applicant of the foregoing and encouraged him to file a request to the ABCMR.

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

a. On 22 May 2018, after completing 10 qualifying years for retired pay as an enlisted Soldier in the CAARNG, the applicant executed his oath of office as a commissioned officer in the CAARNG and the Army of the Reserve. Effective 22 November 2019, the CAARNG promoted him to first lieutenant and NGB Federally recognized the promotion in Special Orders Number 8, dated 14 January 2020.

b. On 3 February 2023, NGB announced the applicant's promotion to CPT, with a DOR and effective date of 23 January 2023; on 5 February 2023, the CAARNG issued Orders Number 0003974719.00, reflecting the applicant's promotion to CPT and listing the "Rank Entry Date" and "Grade Entry Date" as 23 January 2023.

c. On 2 April 2024, the NGB issued Special Orders Number 127, which amended the applicant DOR for CPT as 15 August 2022; on 4 May 2024, CAARNG Orders Number 0003974719.01 reflected the DOR change to 15 August 2022 and listed the effective date as 23 January 2023.

4. On 19 August 2024, the applicant emailed the analyst of record to affirm that, despite the adjustment in DOR made by the NGB, he still wished the Board to correct his DOR to 13 February 2022 (or the appropriate date based on when the scroll for his promotion was published).

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence shows the applicant was appointed as a commissioned officer in the ARNG on 22 May 2018 and was promoted to 1LT on 22 November 2019. He contends that his unit selected him for a unit vacancy promotion (UVP) on 14 January 2022; however, he was not added to the Preliminary Screening List (PSL) until 16 August 2022. He points out that he had no adverse actions in his file and there was no reason to prolong the Federal recognition process.

b. The evidence shows although he was recommended for a UVP in January 2022, his promotion packet was returned to his State ARNG for correction and the State ARNG uploaded his packet in IPPS-A in April 2022. The NGB added his promotion for scrolling in August 2022. DMPM completed adverse screening and placed the applicant's name on a scroll on 4 October 2022. The scroll was finally approved, and the applicant was extended Federal recognition for promotion to CPT with a DOR and effective date of 23 January 2023.

c. The Board also noted that the NGB recognized that there was some delay in the processing of his promotion packet and as a matter of equity, adjusted his date of rank to 15 August 2022 and with his effective date remaining the date his scroll was approved. Given that UVP packets can take up to 120 days for SECDEF approval, and that the FEDREC system experienced a backlog during transition IPPS-A, the Board determined the action taken by the NGB seems appropriate and provides the applicant relief and that no further correction is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

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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:

Title 10, USC, section 14308 addresses promotions for Reserve Component commissioned officers.

a. Subparagraph (f) (Effective Date of Promotion after Federal Recognition) states, "The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 (Federal Recognition of Officers: Examination; Certificate of Eligibility) or 310 (Federal Recognition of National Guard Officers) of Title 32 (National Guard) shall be the date on which such Federal recognition in that grade is so extended."

b. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 amended subparagraph (f), section 14308 by placing "(1)" in front of the existing subparagraph and adding the following as "(2)": "If the Secretary concerned determines that there was an undue delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force, and the delay was not attributable to the action (or inaction) of such officer, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion."

c. The NDAA for FY 2023 further amended subparagraph (f), section 14308 by incorporating the following into the previously added paragraph (2):

"(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100 days from the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer – "

"(A) in the event of State promotion with an effective date before January 1, 2024, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and"

"(B) in the event of State promotion with an effective date on or after January 1, 2024, the effective date of the promotion concerned under paragraph (1) shall be adjusted by the Secretary concerned to the later of – "

"(i) the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and"

"(ii) the date on which the officer occupies a billet in the next higher grade."

//NOTHING FOLLOWS//