

IN THE CASE OF: ██████████

BOARD DATE: 9 September 2024

DOCKET NUMBER: AR20230003783

APPLICANT REQUESTS: his DA Form 71 (Oath of Office) from the ██████████ Army National Guard (██████ ARNG) corrected to reflect “20 September 2019.”

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 597 (Army Senior Reserve Officers' Training Corps (ROTC) Non-Scholarship Cadet Contract)
- NGB Form 694-1 (Annex DD Form 4/DA Form 4836), Army Simultaneous Membership Program Agreement
- Two DA Forms 71 (Oath of Office – Military Personnel)
- U.S. Army Appointment Certificate
- NGB Form 337 (Oaths of Office)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in effect:

a. On 4 April 2022, he was told by a civilian contractor that his time was service on DA Form 71 was 24 June 2020 [sic]. He told the contractor that is incorrect since he commissioned in Reserve Officers Training Corps (ROTC) on 20 September 2019. He was told to speak to his ROTC program and going through the chain of command. He has waited almost a year now and his DA Form 71 is still incorrect. Traction has not been made to correct his DA Form 71.

b. He has two DA Forms 71 and the DA Form 71 that Oregon gave him is incorrect due to the fact that he is missing eight (8) months of time as a second lieutenant (2LT) and is incorrect from his commission date. He has exhausted all of his resources and he would like his DA Form 71 rectified to show his time in service and oath of office is fixed.

3. The applicant provides:

a. DA Form 597 (Army Senior Reserve Officers' Training Corps (ROTC) Non-Scholarship Cadet Contract), dated 8 January 2018, reflects the following:

- Item f (Date Education Commences): 8 January 2018
- Item g (Completion Date): 19 June 2019

b. NGB Form 694-1, Army Simultaneous Membership Program Agreement reflects the form was authenticated by the following personnel and dates:

- Lieutenant Colonel (LTC) [REDACTED], University [REDACTED] ROTC Program on 11 January 2019
- Captain (CPT) [REDACTED] Unit Commander, Headquarters and Headquarters Company 2-162 Infantry Battalion, on 11 January 2019

c. Two DA Forms 71, which reflect the following:

- Took the Oath of Office on 20 September 2019 as a 2LT, Reserve Commissioned Officer, at the University [REDACTED]
- Took the Oath of Office on 24 June 2020 as a 2LT, Reserve Commissioned Officer, [REDACTED]

d. U.S. Army Appointment Certificate, which reflects he was appointed to 2LT on 20 September 2019. Also, NGB Form 337 reflects he executed an oath of office in the [REDACTED] ARNG on 24 June 2020. The oath is authenticated by CPT [REDACTED], Officer Strength Manager, [REDACTED] ARNG.

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

a. Reserve Officers Training Corps (ROTC) memorandum, dated 20 September 2019, Subject: Appointment as a Reserve Commissioned Officer of the Army under Title 10, U.S. Code, Section 12201, 12203, 2104, 2160, and 2107, states he was assigned to the Military Intelligence Branch. Further stating, the appointment is for an indefinite term and is effective on his acceptance in the grade and with the social security number shown in the address.

b. He took the Oath of Office (DA Form 71) on 20 September 2019 as a second lieutenant, Reserve Commissioned Officer, at the University [REDACTED]

c. He executed an Oath of Office on 24 June 2020 as a 2LT, Reserve Commissioned Officer, [REDACTED]

d. National Guard Bureau (NGB) Special Orders Number 100, dated 13 April 2021, extended the applicant federal recognition for his initial appointment in the ARNG with an effective date and date of rank to 2LT is 24 June 2020.

e. NGB Special Orders Number 233 AR, dated 14 July 2023, extended the applicant Federal recognition for promotion to first lieutenant (1LT) on 13 April 2022.

f. Headquarters, III Corps and Fort Cavazos orders 068-0214, dated 8 March 2024, reflects the applicant was released from active duty and assigned to 156th Engineer Battalion Company D Forward, Grand Prairie, TX, effective 28 March 2024. It also states in the additional instructions the applicant was released from activation of Operation Joint Guardian (KFOR) and the release is for demobilization of forces from an operation.

g. [REDACTED] Army National Guard ([REDACTED] ARNG) orders 0007917666.00, dated 23 April 2024, reflect she applicant was reassigned to 102nd Information Operations Command Field Support, San Antonio, TX as an Intelligence Officer, with an effective/report date of 15 April 2024. These orders were revoked on the same day the original reassignment orders were published.

5. National Guard Bureau advisory opinion, dated 30 April 2024, recommends return without action and further states: The applicant states that he has two DA Forms 71 and the DA Form 71 from [REDACTED] ARNG is incorrect due to the fact that it does not account for 8 months of time as 2LT. He further states that he has exhausted all his resources and would just like his DA-71 corrected to show that his time in service and oath of office is fixed. He concludes by stating that his DA-71 from ROTC should be the correct one which is dated 20 September 2019. When the applicant entered the ROTC program he signed a DA-71 dated 20 September 2019. Upon entering the Oregon Army National Guard, he signed another DA-71 dated 24 June 2020. No correction is necessary regarding the DA-71 from the [REDACTED] ARNG. The DA-71 from ROTC accurately reflects the applicant's entry date for time in service purposes. No further action is necessary from the Army Board for Correction of Military Records. This opinion was coordinated with the Army National Guard Officer Policy Branch. This opinion was coordinated with the [REDACTED] Army National Guard.

6. The applicant was notified of the advisory opinion provided by the National Guard Bureau. He was afforded the opportunity to submit comments on the advisory opinion; however, as of the date of this writing, none have been received.

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. The applicant contends that his DA Form 71 from the [REDACTED] ARNG should be corrected. He states that he has two DA Forms 71 and that the one from [REDACTED] ARNG is incorrect because it does not account for 8 months of time as 2LT. The evidence shows when the applicant entered the ROTC program, he signed a DA Form 71 on 20 September 2019, as a cadet. This DA Form 71 from ROTC accurately reflects his entry date for time in service purposes. Upon entering the [REDACTED] ARNG, he signed another DA Form 71 on 24 June 2020 for appointment. The Board agreed with the NGB that the applicant's DA Form 71 with the [REDACTED] ARNG is correct and requires no further correction.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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|------------|------------|------------|----------------------|
| : | : | : | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| [REDACTED] | [REDACTED] | [REDACTED] | 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.

9/9/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 135-100 (Army National Guard and Army Reserve – 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). Paragraph 3-26 states, Notice of appointment Letters tendering appointments as Reserve commissioned or WOs of the Army are dated when actually issued. An exception occurs when an officer is granted Federal recognition based on temporary Federal recognition. The appointment will be on the date issued. However, such appointments are considered to have been accepted on, and effective from the date of such temporary Federal recognition.

3. National Guard Regulation 600-100 (Commissioned Officers – Federal Recognition and Related Personnel Actions) prescribes policies and procedures governing the appointment, assignment, temporary Federal recognition, Federal recognition, reassignment, transfers between States, branch transfers, area of concentration designation, utilization, branch detail, attachment, and separation of commissioned officers of the Army National Guard (ARNG). Paragraph 2-13 states, temporary Federal recognition may be extended to an officer who has been appointed in the ARNG of a State and found to be qualified by an FRB pending final determination of eligibility and appointment as a Reserve commissioned officer of the Army. Such recognition may be withdrawn at any time.

//NOTHING FOLLOWS//