

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 December 2023

DOCKET NUMBER: AR20230005201

APPLICANT REQUESTS: in effect,

- promotion to the rank of Chief Warrant Officer Two (CW2)
- a personal appearance before the Board via video or telephonically

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

DD Form 149 (Application for Correction of Military Record).

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, he requests the correction of his service record to reflect he was promoted to the rank of CW2 as he served 18-months in the rank of warrant officer one (WO1). He requests this promotion for his moral as a service member. Many of his former classmates had inquired why he had not been promoted to CW2. He is not concerned about monetary gain, just the title of CW2.
3. A review of the applicant's service records shows:
  - a. The applicant enlisted in the Regular Army (RA) on 29 May 1962.
  - b. The applicant was honorably discharged from active duty on 9 May 1965 for an immediate reenlistment.
  - c. The applicant reenlisted in the RA on 10 May 1965.
  - d. On 30 November 1966, the applicant was found medically qualified for military duty and returned to duty with limitations.

e. On 10 October 1967, Special Orders Number 247, issued by the U.S. Army Aviation School, the applicant was awarded the Expert Marksmanship Qualification Badge with Rifle Bar (M-16).

f. On 17 October 1967, Special Orders Number 253, issued by the U.S. Army Aviation School, the applicant was awarded the Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber).

g. On 30 November 1967, General Orders Number 54, issued by the U.S. Army Aviation School Regiment, the applicant was awarded the Army Good Conduct Medal (First Award) for service during the period of 30 June 1965 through 29 January 1968.

h. On 30 November 1967, Special Orders Number 290, issued by the U. S. Army Aviation School, the applicant was awarded the Army Aviator designation and badge, effective 30 January 1968.

i. On 23 January 1968, Special Orders Number 20, issued by the U.S. Army Aviation Center, the applicant was honorably discharged from active duty in an enlisted status, effective 29 January 1968 for a warrant officer appointment. DD Form 214 shows the applicant completed 2-years, 8-months, and 20-days of active service.

j. On 30 January 1968, the applicant was appointed as a Reserve warrant officer in the rank of WO1 at which time he executed his oath of office.

k. On 19 April 1968, Special Orders Number 102, issued by Headquarters (HQs), U.S. Army Aviation School, the applicant was assigned to HQs and HQs Company, 32nd Army Air Defense Command, Kaiserslautern, Germany on or about 1 May 1968,

l. DA Form 78 (Recommendation for Promotion of Officer) dated 16 January 1969; the applicant was not recommended for promotion. In the remarks block the recommending officer stated he did not consider the applicant as qualified for promotion at that time. He had not demonstrated the proper transition from enlisted to warrant officer in his duty responsibilities. He had been counseled on several occasions and was making progress. The approving authority disapproved the applicant's promotion to CW2 and stated he had not yet demonstrated the desired performance and estimated potential for promotion to the grade of Chief Warrant Officer, W-2.

m. On 17 June 1969, Special Orders Number 124, issued by HQs, 32 Army Air Defense Command, the applicant was assigned to the Medical Holding Company, Martin Army Hospital, Fort Benning, GA, effective on or about 9 July 1969.

n. Messages between Martin Army Hospital Fort Benning, GA, and the 32nd Army Air Defense Command during the period of 25 August 1969 through

25 September 1969 regarding the status of the applicant's promotion to the rank of CW2 confirmed the applicant was not recommended for promotion.

o. Message from the Commanding General, 32 Army Air Defense Command dated 27 September 1969 to Department of the Army Operations and Planning Division – Aviation stated the applicant's performance factors were reviewed by his rater on or about 15 March 1969 and he was not recommended for promotion to the rank CW2.

p. On 19 February 1970, the informal Physical Evaluation Board found the applicant physically unfit for retention and recommended he be placed on the Permanent Disability Retired List with a combined disability rating of 80 percent which the applicant concurred with for:

- scars disfiguring – 50 percent
- scars, burn, second and third degree, involving posterior head, neck, right anterior and posterior trunk, right anterior and posterior arm and hand – 30 percent
- chronic brain syndrome, associated with head trauma – 30 percent

q. On 26 March 1970, Special Orders Number 59, issued by HQs, Department of the Army, the applicant was released from active duty on 8 April 1970 due to being permanently unfit for duty by reason of physical disability of 80 percent which incurred while he was entitled to receive basic pay. He was assigned to the U.S. Army Reserve Control Group (Retired Reserve), effective 9 April 1970 in the rank of WO1.

r. On 8 April 1970, the applicant was honorably retired from active duty for permanent physical disability. DD Form 214 shows the applicant completed 2-years, 2-months and 9-days of active service.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and applicable regulatory guidance. Evidence of record shows that although the applicant was eligible for promotion, he had been counseled on numerous occasions. As such, the recommending officer did not consider him qualified at the time as he had not demonstrated the proper transition from enlisted to warrant officer in his duty responsibilities. He had not demonstrated the proper transition from enlisted to warrant officer in his duty responsibilities. He had been counseled on several occasions and was making progress. The approving authority disapproved the applicant's promotion to CW2 and stated he had not yet demonstrated the desired performance and estimated potential for promotion to the grade of Chief Warrant Officer, W-2 and; therefore not considered fully qualified for permanent promotion. The Board agreed that the deciding officials complied the applicable regulatory guidance as evidence on the supporting DA Form 78. After due consideration of the request, the Board determined the evidence presented insufficient to warrant a recommendation for 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 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.

█

█ █

---

█

█

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 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending April 8, 1970, by adding in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Army Good Conduct Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14) (M-16) and (.45 caliber) pistol bar
- Basic Army Aviator Badge
- Army of Occupation of Berlin Medal

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 May 9, 1965
- DD Form 214 service ending January 29, 1968
- DD Form 214 service ending April 8, 1970
- DA Form 20 (Enlisted Qualification Record)
- DA Form 66 (Officer Qualification Record)
- U.S. Army Aviation School Special Orders Number 247
- U.S. Army Aviation School Special Orders Number 253
- U.S. Army Aviation School Regiment General Orders Number 54
- U.S. Army Aviation School Special Orders Number 290
- Army Regulation (AR) 635-8 (Separation Processing and Documents)
- AR 600-8-22 (Military Awards)

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

REFERENCES:

1. Title 10, USC, 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 (AR) 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 624-100 (Promotions of Officers and Warrant Officers on Active Duty) in effect at the time, prescribes the policies and procedures for temporary promotion in the Army of the United States of commissioned officers and warrant officers on active duty.

a. Paragraph 28, second lieutenant and warrant officer, WO1, who have demonstrated that they are fully qualified attain eligibility for temporary promotion to first lieutenant or CW2, Army of the United States (AUS), on the day following completion of the following service, whichever occurs the earlier:

(1) Active duty service – warrant officers, WO1 attain eligibility upon completion of 18-months service as indicated by date of rank.

(2) Active commissioned status – 3-years as a Reserve officer, as reflected in his Reserve promotion eligibility date. In individuals who completed the 3-year period prior to the date of entry on active duty will attain eligibility under this paragraph on day of entry.

b. Paragraph 29 (Recommendations), recommendation for promotion of officers, DA Form 78 may be prepared by individual's immediate commander up to 2-months before completion of the service requirement and will be submitted in time to permit announcement of promotion of qualified individuals on the day they attain eligibility. Promotion authorities will forward those recommendations against promotion. DA Form 78 will contain detailed explanation of reason for not recommending promotion. Orders are effective on date of issuance and will be issued on or after individual's attainment of eligibility for promotion.

c. Paragraph 34 (Promotion eligibility), regular Army second lieutenants and warrant officer, WO1, who are considered fully qualified for permanent promotion to first

lieutenant and CW2, respectively, will be promoted on the day following completion of 3-years of service for promotion purposes.

//NOTHING FOLLOWS//