

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20230005502

APPLICANT REQUESTS:

- adjustment of his date of rank (DOR) for his promotion to first lieutenant (1LT) in the Army National Guard
- pay and entitlements to coincide with his adjusted DOR

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 78 (Recommendation for Promotion to 1LT/Chief Warrant Officer Two (CW2))
- Army Board for Correction of Military Records (ABCMR) Case AR20190011951
- Memorandum from The Adjutant General (TAG), Alaska Army National Guard (ARNG)

FACTS:

1. The applicant states:

a. His DOR from second lieutenant (2LT) to 1LT needs to be adjusted to reflect the new adjusted date of his initial appointment in the ARNG. He should have been promoted to 1LT at 18 months from his initial appointment. Thus, his records should be amended to reflect a DOR to 1LT of 25 October 2018 to include any pay and entitlements.

b. He previously sent an application to the ABCMR. Its proceedings, recommendation, and findings are in AR20190011951. He supports those findings and just wants, as a natural consequence of those proceedings, to be reflected in an updated rank timeline that should have followed with a promotion to the rank of 1LT after 18 months.

c. These errors have significantly hindered the natural progression of his military career. Assignments as a junior officer and the ability to go before the board for

promotion to captain (CPT) have been significantly affected. He would have made it to the rank of CPT by now were it not for these errors.

d. As his last ABCMR application has demonstrated, he has been working on getting this issue resolved for over five years. He has appealed to his chain of command and followed all the steps and directions given on his part to fix this issue.

2. The applicant provides the following documents:

a. NGB Form 78 (Recommendation for Promotion to 1LT/CW2), 18 October 2019 shows his DOR for 2LT was 3 May 2018. His date of appointment was 14 January 2019. He had 18 months in the rank of 2LT. He was recommended for promotion in the [REDACTED] ARNG ([REDACTED] ARNG). The recommendation was approved.

b. ABCMR Case AR20190011951, which shows in the Record of Proceedings, the Board stated after reviewing the application and all supporting documents, the Board determined relief was warranted. Based upon the memorandum issued by National Guard Bureau (NGB), 20 September 2011, and the NGB appointment memorandum of the applicant, the Board concluded there was sufficient evidence showing a delay in processing his appointment, which was at no fault of his. Therefore, the Board recommended correcting his date of appointment in the ARNG from 3 May 2018 to 25 April 2017.

c. Memorandum from TAG, [REDACTED] ARNG, 22 March 2023, states he has reviewed the ABCMR Record of Proceedings, received by the G-1 on 25 February 2023. He concurred with the findings and approved the Board's recommendation to correct the initial date of appointment of the applicant in the ARNG from 3 May 2018 to the corrected date of 25 April 2017. He recommended the ABCMR adjust his DOR for 1LT to 25 October 2018, to include any pay and entitlements. He was originally recommended for promotion to 1LT at 18 months of time in grade due to performance. The TAG recommended he maintains this timeline.

3. The applicant's service record contains the following documents:

a. Order Number 115-01, published by Reserve Officers' Training Corps (ROTC), 25 April 2017 which released him from U.S. Army Control Group (ROTC) effective 27 April 2017.

b. DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve commissioned officer, in the rank of 2LT, on 25 April 2017.

c. NGB Form 22 (National Guard Report of Separation and Record of Service) shows he was an enlisted member of the ARNG from 19 January 2012 to 2 May 2018.

d. Orders 128-008, published by the [REDACTED] ARNG ARNG, Joint Force Headquarters, 8 May 2018, show he was honorably separated as an enlisted member of the ARNG effective 2 May 2018. He was appointed in the [REDACTED] ARNG, in the rank of 2LT, effective 3 May 2018.

e. Special Orders Number 112, published by NGB, 22 May 2018, gave him federal recognition, in the rank of 2LT, for his initial appointment with a DOR of 3 May 2018.

f. Special Orders Number 61, published by NGB, 26 February 2020, gave him federal recognition for his promotion to the rank of 1LT with a DOR of 3 November 2019.

4. On 26 March 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion, which states:

a. The applicant requests a DOR adjustment to 25 October 2018 for promotion to 1LT. NGB recommended partial approval.

b. The applicant states a Board decision for ABCMR case AR20190011951 granted relief for a DOR adjustment for appointment to 2LT due to delay in processing.

c. He states his DOR as 1LT should be adjusted to reflect eligible promotion timeline given the DOR adjustment for his appointment as a 2LT. He states the 1LT promotion should be granted for 18 months from initial date of appointment to 2LT. He states his records should be amended to reflect a 1LT DOR of 25 October 2018. He states delay in appointment to 2LT caused a delay in promotion to 1LT, which has delayed his promotion to CPT.

d. He provides a TAG concurrence memorandum for ABCMR AR20190011951 Board findings and an application for 2LT appointment DOR correction as supporting documents.

e. The Alaska ARNG Office of Personnel Management reviewed his application and confirmed his 1LT DOR should be adjusted.

f. A review of his request conducted by the ARNG Federal Recognition confirms he received a DOR adjustment for 2LT from 3 May 2018 to 25 April 2017. He completed the Basic Officer Leaders Course on 25 January 2019, 18 months from the adjusted 2LT DOR is 24 September 2018.

g. After further review of the applicant's documents provided and discussions with the Alaska ARNG and the ARNG Federal Recognition Team, it is the conclusion of NGB

that he was delayed promotion to 1LT due to the delay in 2LT appointment. NGB recommends he be granted partial relief with a 1LT DOR adjustment to 24 September 2018.

h. The ARNG Federal Recognition and Alaska ARNG concurs with the recommendation.

5. On 29 March 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant requests a DOR adjustment to 25 October 2018 for promotion to 1LT. He states an ABCMR Board decision granted relief for a DOR adjustment for appointment to 2LT due to delay in processing and that his DOR as 1LT should be adjusted to reflect eligible promotion timeline given the DOR adjustment for his appointment as a 2LT. He also states the 1LT promotion should be granted for 18 months from initial date of appointment to 2LT. The applicant's records show he received a DOR adjustment for 2LT from 3 May 2018 to 25 April 2017. He completed the Basic Officer Leaders Course on 25 January 2019, 18 months from the adjusted 2LT DOR is 24 September 2018. The Board reviewed and agreed with the NGB's determination that the applicant was delayed promotion to 1LT due to the delay in 2LT appointment and determined the applicant's 1LT DOR should be adjusted to 24 September 2018.

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 and Army National Guard records of the individual concerned be corrected by amending Special Orders Number 61, issued by the National Guard Bureau on 26 February 2020 to show his rank as to 1LT and effective date of rank as 24 September 2018.

10/31/2024

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.

REFERENCES:

1. Army Regulation 135-155 (Promotion of Commissioned Officer and Warrant Officer Other Than General Officers) prescribes policy and procedures used for selecting and promoting commissioned officers (other than commissioned warrant officers) of the Army National Guard of the United States (ARNGUS) and of commissioned and warrant officers (WO) of the USAR.

a. Table 2-1 states time in grade requirements for promotion from 2LT to 1LT is a minimum of 2 years in the lower grade and a maximum of 42 months in the lower grade.

b. Paragraph 4–21 (Effective dates), except as provided elsewhere in this regulation, the effective date of promotion may not precede the date of the promotion memorandum. An officer is promoted after selection if all qualifications for promotion are met. When an officer does not meet the qualifications for promotion, the effective date of promotion will not be earlier than the later date all qualifications are met. In no case, will the DOR or effective date of promotion be earlier than the date the board is approved, or, if required, the date of Senate confirmation.

2. Department of Defense Instruction 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.

//NOTHING FOLLOWS//