

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230006133

APPLICANT REQUESTS: Correction of her Date of Rank (DOR) for promotion to the rank/grade of major (MAJ)/O-4 to show 1 August 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Recommendation for Promotion of Commissioned Officer, 3 August 2022
- Orders Number 1961459, 3 August 2022
- National Guard Bureau (NGB) Form 89 (Proceedings of a Federal Recognition Examining Board), 18 August 2022
- Orders Number 235-900, 23 August 2022
- Special Orders Number 109, 22 March 2023
- Officer Record Brief (ORB)

FACTS:

1. The applicant states, her promotion to the rank/grade of MAJ/O-4 was approved and submitted for processing through the State, NGB and Federal boards. She has been in a MAJ/O-4 position since 1 August 2022. The state order was approved for 1 October 2023 when an Active Guard/Reserve (AGR) control grade was available.

2. A review of the applicant's official record shows the following:

a. On 6 May 2011, the applicant was appointed as a commissioned officer and executed an oath of office in the Army National Guard (ARNG) and was extended a temporary Federal Recognition (FEDREC) in the rank/grade of second lieutenant (2LT)/O-1.

b. On 6 December 2011, Special Orders Number 313 issued by the NGB extended Federal Recognition (FEDREC) to the applicant for her initial appointment in the ARNG.

c. DA Form 1059 (Service School Academic Evaluation Report) dated 27 March 2012 shows the applicant attended and completed the Army Medical Department (AMEDD) Basic Officer Leader Course Phase I & II from 19 January to 27 March 2012.

d. DA Form 1059, dated 21 June 2014, shows the applicant attended and completed the AMEDD Captains Career Course from 8 June 2014 to 21 June 2014.

e. On or about January 2016 the applicant reclassified into Area of Concentration 14A (Air Defense Artillery).

f. On 12 February 2018, the applicant entered active duty in an AGR status.

g. On 3 March 2021, Orders Number 062-20004 issued by the Adjutant General's Department continued the applicant in an AGR status with assignment to Headquarters and Headquarters Battery (HHB), 1st Battalion, 174th Air Defense Artillery, as the administrative officer.

h. On 19 August 2022, Orders Number 231-20003 issued by the Adjutant General's Department continued the applicant in an AGR status.

i. On 22 March 2023, Special Orders Number 109 issued by the NGB extended FEDREC for the applicant's promotion to the rank/grade of MAJ/O-4, effective on with a DOR of 13 March 2023.

j. On 2 June 2023, the applicant was honorably released from active duty and returned to her ARNG unit. DD Form 214 (Certificate of Release or Discharge from Active Duty), item 4a (Grade, Rate or Rank) shows "MAJ."

3. The applicant provides:

a. Memorandum, Subject: Recommendation for Promotion of Commissioned Officer, dated 3 August 2022, wherein the applicant was recommended for promotion to the rank/grade of MAJ/O-4 by her commander. Her recommended position was for an O-4 with HHB, 1st Battalion, 174th Air Defense Artillery, paragraph 103, line number 01, effective 1 October 2022.

b. Orders Number 1961459 dated 3 August 2022 which ordered the applicant on a permanent change of station to HHB, 1st Battalion, 174th Air Defense Artillery, effective 1 August 2022.

c. NGB Form 89 showing the applicant was recommended for promotion to the rank/grade of MAJ/O-4 with HHB, 1st Battalion, 174th Air Defense Artillery.

d. Orders Number 235-900 dated 23 August 2022 showing the applicant was promoted to the rank/grade of MAJ/O-4, effective on with a DOR of 1 October 2022.

e. ORB showing her DOR for promotion to the rank/grade of MAJ/O-4 with a DOR of 13 March 2023

4. On 16 February 2024, in the processing of this case, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending partial approval and stated:

a. The applicant states that she was in a MAJ/O-4 position since 1 August 2022. The State order for her promotion to MAJ was approved on 1 October 2022 when the control grade became available. However, due to a delay in processing her promotion packet, she received orders with a DOR to MAJ on 13 March 2023.

b. According to Army Directive 2019-28, an ARNG unit vacancy promotion appointment scroll will be considered delayed for the purposes of this directive when processing exceeds a set limit of days because of administrative delay within Headquarters, Department of the Army (HQDA). To be designated as unduly delayed, the scroll package processing time within HQDA from the day of first receipt at the Directorate of Military Personnel Management, Office of the Deputy Chief of Staff, G-1 must exceed 100 days because of a processing delay or administrative error, and the delay is not the result of a promotion review based on adverse information pertaining to an officer whose name appears on the promotion appointment scroll discovered through exemplary conduct screening.

c. After scrutinization of the timeline of events with the ARNG Federal Recognition Branch, the promotion packet was received from the Ohio Army National Guard (OHARNG) on 23 August 2022 but was not accepted by the ARNG Federal Recognition branch until 19 October. This delay was caused by the branch's Integrated Personnel and Pay System – Army (IPPS-A) transition. It was then assigned to a scroll on 21 November 2022, and the scroll was submitted in December. The scroll was signed and approved on 13 March 2023. According to this timeline, there was no delay at the HQDA level. All unit vacancy promotions are effective when the Secretary of Defense signs the scroll. However, the Federal Recognition branch recognizes the delay with accepting the packet. It took almost 60 days to accept the packet due to the IPPS-A transition.

d. For these reasons, it is the recommendation of this office that the applicant's request be partially approved. Based on the applicant's records, her promotion packet did not experience a significant delay in processing at the HQDA level. Although the applicant was serving in a MAJ position and the control grade became available on 1 October 2022, this does not make her effective date of promotion to MAJ

1 October 2022. Her promotion packet still must go through the designated process. The Federal Recognition branch recognizes the delay in accepting the applicant's promotion packet. Due to this delay, the applicant's promotion date should be changed to 13 January 2023 to mitigate the delay caused by the Federal Recognition branch.

e. The ARNG Federal Recognition Branch concurs with this recommendation. The Ohio Army National Guard partly concurs with the recommendation.

5. On 7 March 2024, the applicant was provided with a copy of the advisory opinion to provide a comment or rebuttal. On the same day she responded concurring with the advisory opinion.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant contends that she was assigned to a major position since 1 August 2022. The State order for her promotion to MAJ was approved on 1 October 2022 when the control grade became available. It was then assigned to a scroll on 21 November 2022, and the scroll was submitted in December. The scroll was signed and approved on 13 March 2023. This slight delay in processing her promotion packet led to a promotion order with a DOR to MAJ on 13 March 2023. According to this timeline, there was no delay at the HQDA level. All unit vacancy promotions are effective when the Secretary of Defense signs the scroll. However, the Federal Recognition branch recognizes the delay with accepting the packet. It took almost 60 days to accept the packet due to the IPPS-A transition.

b. The Board agreed with the NGB advisory official's finding that the applicant's request be partially approved since there was no significant delay in processing at the HQDA level. Although she was serving in a MAJ position and the control grade became available on 1 October 2022, this does not make her effective date of promotion to MAJ 1 October 2022. Her promotion packet still must go through the designated process. The Federal Recognition branch recognizes the delay in accepting the applicant's promotion packet. Due to this delay, the applicant's promotion date should be changed to 13 January 2023 to mitigate the delay caused by the Federal Recognition branch.



REFERENCES:

## 1. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions):

a. The promotion of officers in the ARNG is a function of the State. As in original appointments, a commissioned officer promoted by State authorities has a State status in the higher grade under which to function. However, to be extended FEDREC in the higher grade, the officer must have satisfied the requirements prescribed herein. National Guard officers may be considered and found qualified for FEDREC of their State promotion using two distinct processes: State Federal Recognition Boards and DA Mandatory Boards. Under either process, the precedent for an actual promotion in the Army National Guard is State assignment and appointment to the next higher grade. State Federal Recognition Boards (FRB). Officers may be federally recognized through State FRB which are often referred to as "State vacancy promotion boards" or "unit vacancy boards" as part the Unit Vacancy Promotion.

b. A commissioned officer who has been promoted by the State and extended FEDREC in the higher grade will be concurrently promoted to the higher grade in the Reserves of the Army with assignment to the ARNGUS. An officer's effective date and DOR as a Reserve of the Army will be determined by their duty status, type of selection board which selected the officer, and delay status (if applicable), and will be as defined below, unless otherwise provided by law. The Chief, NGB will extend FEDREC in the higher grade to an ARNG commissioned officer using NGB Form 0122E series orders (NGB Special FEDREC Orders).

c. Unit Vacancy Promotion (UVP). Effective Date and DOR are the same date and are established when the scroll is either approved by the Secretary of Defense (Lieutenant Colonel and below).

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//