

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230006484

APPLICANT REQUESTS: retroactive promotion to the rank/grade of first lieutenant (1LT)/O-2, effective on or about 19 August 2021 with entitlement to backpay and allowances.

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 170, 21 June 2019
- Special Orders Number 116, 3 May 2021
- DA Form 1059 (Service School Academic Evaluation Report), 19 August 2021
- Orders Number 2069115, 30 September 2022
- Timeline

FACTS:

1. The applicant states she is currently serving as a chaplain with the Army National Guard (ARNG) at the rank/grade of captain (CPT)/O-3. She notes that she was initially appointed her commission at the rank/grade of second lieutenant (2LT)/O-1 within the Adjutant General (AG) Corps on 4 May 2019 and therefore eligible for promotion to 1LT, effective 4 January 2021. However, because she had not attended the Basic Officer Leaders Course (BOLC) she was not educationally qualified for promotion. On 26 August 2020, she was reappointed as an officer within the Chaplain Corps as a Chaplain candidate (56X) and subsequently completed BOLC on 19 August 2021. She contests that she should have been immediately promoted to 1LT upon completion. She was later boarded and appointed a commission as a Chaplain at the rank of CPT on 30 September 2022 despite never being promoted to 1LT.

2. A review of the applicant's available service records reflects the following:

a. On 4 May 2019, the applicant was appointed a Reserve commission at the rank of 2LT as an AG commissioned officer.

b. On 21 June 2019, the National Guard Bureau (NGB) issued Special Orders Number 170 announcing Federal recognition of the applicant's initial appointment within the OHARNG as an AG officer with a 4 May 2019 date of rank as a 2LT.

c. On 26 August 2020, the applicant was reappointed a Reserve commission at the rank of 2LT.

d. On 3 May 2021, the NGB issued Special Orders Number 116 announcing Federal recognition of the applicant's reappointment within the OHARNG as a Chaplain (CH) Corps Officer at the rank of 2LT with a 4 May 2019 DOR.

e. On 19 August 2021, the applicant completed the Chaplain BOLC.

f. On 26 April 2023, the NGB issued Special Orders Number 146 AR announcing the applicant's initial appointment within the OHARNG as a Chaplain at the rank of CPT with a 30 September 2022 DOR.

3. The applicant provides the following a:

a. Orders Number 2069115 dated 30 September 2022, reflective of the applicant being appointed by the State as a Chaplain at the rank of CPT, effective 30 September 2022.

b. Timeline, reflective of a chronological account of the applicant's service as it pertains to her appointment as an AG Officer (4 May 2019), reappointment as a CH Officer (26 August 2020), completion of 18 months' Time-in-Grade (TIG) as a 2LT (4 November 2020) and completion of the CH BOLC (19 August 2021).

4. On 14 December 2023, the NGB, Chief, Special Actions Branch provided an advisory opinion recommending approval of the request. The NGB official stated:

a. Applicant was appointed as a Second Lieutenant in the Adjutant General Corp on 4 May 2019. She was reappointed into the Chaplain Corp and a Chaplain candidate on 26 August 2020 and completed Chaplain BOLC on 19 August 2021. She eventually was promoted to the rank of Captain in the Chaplain Corp without ever being promoted to 1LT. The applicant requests that her DOR to 1LT be corrected to 19 August 2020 through 31 August 2022 and receive backpay for this time.

b. The applicant was appointed as a Second Lieutenant in the Adjutant General Corp on 4 May 2019. She would have been eligible for promotion to 1LT on 4 January 2021. Before she could attend AG BOLC, she was reappointed into the Chaplain Corp as a Chaplain candidate on 26 August 2020. At the time, she was on the Deployment Manning Document (DMD) and was supposed to be mobilized with the 37th IBCT from

the OHARNG. However, she could not do so as a Chaplain candidate, so OHARNG began processing her reappointment to CPT in the Chaplain Corp. All promotions to 1LT undergo the scrolling process and all reappointments also go through the scrolling process. Since officers cannot have two actions undergoing to scrolling process at the same time, these actions were not processed correctly in the chronological order. During this time, she attended Chaplain Basic Officer Leadership Course (CHBOLC) and graduated 19 August 2021; however, her promotion to 1LT was never processed.

c. According to Promotion Policy Officer Management (PPOM) 21-055, published on 6 December 2021, any “otherwise” qualified 2LT with 18 months or more of time in grade seeking an initial appointment as an ARNG Chaplain candidate will appoint as a 1LT regardless of CHBOLC status. It also states that all “otherwise” qualified ARNG 2LT Chaplain candidate who have 18 months or more of time in grade will be considered eligible for promotion to 1LT without board review regardless of CHBOLC completion status. The applicant was authorized promotion to 1LT IAW PPOM 21-055. However, the applicant was already qualified for promotion to 1LT on 19 August 2021 when she graduated CHBOLC. The NGB Form 78 dated 26 August 2022 incorrectly promotes the applicant IAW PPOM 21-055. OHARNG is aware of inaccuracy and reached out to the Federal Recognition Branch at NGB but was advised to process this action as an ABCMR case.

d. Based on the applicant’s claims and the OHARNG’s response, the applicant should have had a DOR to 1LT on 19 August 2021, not 6 December 2021 when the PPOM was published. There was a delay in processing her reappointment and promotion packet. For these reasons, it is the recommendation of this office that the applicant’s request be approved. The applicant should get a corrected order published promoting her to 1LT on 19 August 2021 and any applicable backpay. The Army National Guard Federal Recognition Branch concurs with this recommendation. The Ohio Army National Guard concurs with this recommendation.

5. On 22 December 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 22 February 2024, the applicant has not responded.

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 was initially appointed at the rank of 2LT on 4 May 2019. She was eligible for promotion to 1LT but her promotion to 1LT was not processed. Promotions and appointments go through a scroll process. Since officers cannot have two actions undergoing the scrolling process at the same time, these actions (reappointment as a

Chaplain candidate and promotion to 1LT) were not processed correctly in the chronological order. During this time, the applicant attended the Chaplain BOLC and graduated on 19 August 2021 thereby making her educationally qualified for promotion to 1LT. However, her promotion to 1LT was never processed. The ARNG promotion policy states a qualified 2LT with 18 months or more of TIG seeking an initial appointment as an ARNG Chaplain candidate will appoint as a 1LT regardless of Chaplain BOLC status. It also provides that all "otherwise" qualified ARNG 2LT Chaplain candidate who have 18 months or more of TIG will be considered eligible for promotion to 1LT without board review regardless of Chaplain BOLC completion status. Based on the NGB determination, the Board agreed that an injustice occurred.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 extending the applicant Federal recognition orders for promotion to 1LT/O-2 effective and with date of rank as 19 August 2021.

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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:

1. Army Regulation 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers) states, in Table 2-1 (Time in grade requirements commissioned officers, other than commissioned warrant officers) members must have a minimum of 2 years in the lower grade to be promoted from O-1 to O-2 and Table 2-2 (Military educational requirements commissioned officers, other than commissioned warrant officers grade) shows 2LT to 1LT must have completed the resident officer basic course.
2. Memorandum – Subject: Chaplain Candidate (56X) Appointments, Promotions, and Separations Supplemental Guidance (PPOM 21-055) (6 December 2021) provides supplemental guidance regarding ARNG chaplain candidate appointments, promotions, and separations. Paragraph 4b. provides that effective as of 6 December 2021, any otherwise qualified 2LT with 18 months or more TIG seeking an initial appointment as an ARNG chaplain candidate will appoint as a 1LT regardless of CH BOLC completion status.
3. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//