

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 March 2024

DOCKET NUMBER: AR20230006522

APPLICANT REQUESTS: correction of his Warrant Officer One (WO1)/W-1 Date of Rank (DOR) to 25 September 2021 and a personal appearance before the board via video/telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5500 (Body Fat Content Worksheet (Male)), 20 June 2019
- Memorandum - Subject: Determination of Eligibility, 30 July 2019
- DD Form 2808 (Report of Medical Examination), 4 August 2019
- DD Form 2807-1 (Report of Medical History), 4 August 2019
- Medical documents, 4 August 2019
- National Guard Bureau (NGB) Form 89 (Proceedings of a Federal Recognition (FEDREC) Examining Board, 25 September 2019
- Reserve Component (RC) Warrant Officer Candidate School (WOCS) Diploma, 25 September 2021
- Memorandum for Record (MFR) - Subject: [applicant], 26 October 2021
- Psychiatric Evaluation, 2 December 2021
- Army Training Requirements and Resources System (ATRRS) screenshot, 9 August 2022
- MFR - Subject: [applicant] Warrant Officer Accession Issues, 23 May 2023

FACTS:

1. The applicant states:

a. He is requesting his DOR to WO1 be corrected to match his graduation date of 25 September 2021 for WOCS. He signed his original DA Form 71 (Oath of Office Military Personnel) and NGB Form 337 (Oaths of Office) which is attached and at the time he was federally recognized. All medical issues that caused a delay in his appointment had been reported to the personnel responsible months prior and at the time he left for phase two of the reserve WOCS in Camp Atterbury, IN. He was not

aware of any additional requirements as he had previously been advised all was well in the process.

b. His oaths of office were executed, and he was informally pinned at WOCS on 25 September 2021. When he reported back to his home station, he was informed there was an issue with his paperwork and due to an expired physical, he would have to wait for a new packet to be completed. He complied with all requests immediately upon receipt. He was told he would not report to the local Military Entrance Processing Station for a medical evaluation to meet the required medical evaluation for his FEDREC. He was told to report to an aviation medical evaluation facility two weeks later.

c. After reporting to the medical evaluation, he was directed to report to, he was informed at his drug screening that he needed to provide a sample at his physical because it was not completed, and he would need to pay to have a screening completed in order to expedite his boarding process. He complied and reported to a facility and paid for the appropriate screening. Immediately upon receipt of the results he reported them to the Warrant Officer Strength Manager. Following this, he was told there was nothing else to provide. A few days before the October FEDREC board he called the individual who was reviewing his paperwork and was informed that he would have to have a waiver for his Attention Deficit Hyperactivity Disorder (ADHD).

d. Shortly following the October board he followed up and was told that he would have to be on his current dose of medication, which had been adjusted less than a month prior as a precaution for removing a second medication for 90 days and be seen by his primary care provider on Tinker Air Force Base for an evaluation and follow up with the facility that prescribed the medication to establish stability before the medical officer would sign the waiver and the National Guard Bureau would accept it.

2. A review of the applicant's official records show the following:

a. He enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) on 22 December 2005. He served continuously through extensions and/or reenlistments.

b. On 28 July 2015, the [REDACTED] ARNG published Orders Number 209-001, which promoted the applicant to the rank/grade of Staff Sergeant (SSG)/E-6 with an effective DOR of 28 July 2015.

c. On 30 July 2019, Headquarters, U.S. Army Signal School, Director, Office Chief of Signal issued a determination of eligibility memorandum to the NGB for the applicant. The memorandum determined the applicant was technically qualified for candidacy in Military Occupational Specialty (MOS) 255A (Data Operations Warrant Officer). The determination of eligibility was valid for 24 months from the date of the memorandum. If

the applicant had not enrolled in the appropriate Warrant Officer Basic Course (WOBC) within 24 months, a new determination of eligibility would need to be completed.

d. His record contains a DD Form 214 (Certificate of Release or Discharge from Active Duty) which shows he was ordered to active Full Time National Guard Duty - Operational Support on 1 September 2020.

e. On 19 October 2021, Headquarters, U.S. Army Signal School, Office Chief of Signal issued another determination of eligibility memorandum to NGB for the applicant. The issuing official stated:

(1) The applicant is technically qualified for candidacy in MOS 255A and award of MOS 255A is contingent on completion of the MOS 255A WOBC.

(2) The applicant is not technically qualified for candidacy in MOS 255N (Network Operations Warrant Officer), due to a lack of 36 months of recent Noncommissioned Officer Evaluation Reports (NCOERs) that reflect outstanding duty performance in voice and data internetworking, local and wide area networks (LAN & WAN), include terrestrial, satellite and aerial systems and/or network planning.

(3) The applicant is not technically qualified for candidacy in MOS 255S (Cyberspace Defense Warrant Officer), due to a lack of 48 months of recent NCOERs that document practical experience in Cyber Security/Computer Network Defense (CS/CND).

(4) Due to the fluidity of Signal Warrant Officer prerequisites this determination of eligibility is valid for 24 months from the date of the memorandum. If the applicant is not enrolled in WOCS and the appropriate WOBC at the 24-month mark a new determination of eligibility will need to be completed.

f. On 21 January 2022, the NGB, Chief Surgeon approved the applicant's warrant officer accession waiver for ADHD, and DD Form 214 shows he was released from active duty and transferred to his ■■■ ARNG unit.

g. On 22 January 2022:

- NGB Form 89 shows the applicant was boarded and approved for FEDREC as a WO1
- DA Form 71 shows he was appointed as a Reserve warrant officer and executed an oath of office
- NGB Form 337 shows he was appointed as a WO1 in the ■■■ ARNG and executed an oath of office

h. On 23 January 2022, the ■■■ ARNG published orders which discharged the applicant from the ■■■ ARNG to accept appointment as a warrant officer, effective 21 January 2022.

i. On 24 January 2022, the ■■■ ARNG published Orders Number 0001625526.00, which rehired the applicant and appointed him as a WO1, effective 22 January 2022.

j. He entered active duty to attend the Information Services Technician WOBK on 14 February 2022.

k. On 14 July 2022, DA Forms 1059 (Service School Academic Evaluation Report) show the applicant completed the Information Services Technician WOBK and was qualified in the assigned MOS 255A.

l. On 26 July 2022, DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) amended the applicant's DD Form 214, ending on 14 July 2022 to show the applicant was released from active duty and transferred to his ■■■ ARNG unit on 24 July 2022 and he completed 5 months and 11 days net active service this period.

m. On 12 August 2022, the NGB published Special Orders Number IP-14667, which extended FEDREC to the applicant and appointed him as a WO1 with an effective DOR of 22 January 2022.

n. On 9 January 2024, the NGB published Special Orders Number 12 AR, which extended FEDREC to the applicant and promoted him to Chief Warrant Officer Two (CW2) with an effective DOR of 22 September 2023.

o. On 29 January 2024, the Pennsylvania Army National Guard published Order Number 007113418.00, which promoted the applicant to the rank of CW2, effective 22 September 2023.

3. In support of his case the applicant provides:

a. DA Form 5500 dated 20 June 2019, which shows he was in compliance with Army body fat standards.

b. DD Forms 2808 and 2807-1, and medical documents dated 4 August 2019, which show the applicant completed a commissioning physical in accordance with Chapter 2, Army Regulation (AR) 40-501 (Standards of Medical Fitness).

c. NGB Form 89 dated 25 September 2019, which shows the board recommended he be granted FEDREC as a WO1 in MOS 255A.

d. Reserve Component WOCS Diploma dated 25 September 2021 showing he completed the course.

e. MFR - Subject: [applicant] dated 26 October 2021, wherein he states, in part, during the course of participating in the Reserve Component WOCS at Salina, KS, he developed COVID-19 and after recovery his overall ability to focus became nonexistent, and any coping mechanisms he had developed over the years were ineffective in mitigating these issues. As a result, in this dramatic shift, he sought an understanding and support in either correcting the underlying issue or treatment for symptoms. When he spoke with the 72nd Medical Group on Tinker Air Force Base, he was informed they believed it was anxiety and referred him to a civilian facility for follow-up and treatment. He further described his referral, treatments, recovery and progress.

The entire MFR can be reviewed within the supporting documents.

f. A copy of his psychiatric evaluation on 2 December 2021, which shows his chief complaint was verification of stability medication. The current medication identified was Strattera and he was diagnosed with "ADD" [attention deficit disorder].

g. ATRRS screenshot dated 9 August 2022, which shows the applicant's student reservations and WOCS report and end dates.

h. MFR - Subject: [applicant] Warrant Officer Accession Issues, dated 23 May 2023, wherein he states, in part, February of the year he was attending WOCS, he was diagnosed with ADHD. Because of this diagnosis, he reached out to CW2 [REDACTED] to inform him, over the phone, he was being seen for possible treatment of his ADHD. At this time, he inquired whether anything would be necessary for his packet. He informed the applicant that he did not see any reason he would need to do anything since his packet was complete and he was not supposed to be FEDREC until October 2021. The applicant was unable to get medication for the ADHD prior to his departure for school and because of the difficulties he had focusing from ADHD, he was unable to complete the course. After talking with the schoolhouse, they suggested he go to the next class, after he received the appropriate medication. In the break, he followed up and was told there was no change to his FEDREC. Prior to school, he was working with his doctor to find a non-controlled substance alternative for his ADHD to ensure he would not have any issues deploying and that he was able to complete this process efficiently. He further states before he went to school his physical expired.,

The entire MFR can be reviewed within the supporting documents.

4. On 25 September 2023, the [REDACTED] ARNG, Chief, Officer Personnel Branch provided an advisory opinion for this case and recommended disapproval. The advisory official stated:

a. The Office, Chief of Signal issued a determination of eligibility memorandum for the applicant on 30 July 2019. This memorandum determined he was eligible for appointment as an Information Systems Technician, MOS 255A within 24 months from the date of the memorandum. The applicant completed a commissioning physical in accordance with Chapter 2, AR 40-501 on 4 August 2019.

b. The applicant boarded for FEDREC as a WO1, MOS 255A on 25 September 2019. He was approved by the FEDREC Board and awarded MOS 09W, Warrant Officer Candidate (WOC). Reserve Component Warrant Officer Candidate School (WOCS) is conducted in two phases. Phase One is a resident phase of five months, conducted during drill weekends. Phase Two is a resident phase of two weeks, conducted in an active-duty status. His ATRRS history is enclosed.

c. Upon the applicant's completion of WOCS, course completion documents were forwarded to the [REDACTED] ARNG G-1 for action in the applicable Human Resources Systems. After analyzing the documents, it was determined he was currently ineligible for appointment.

d. Once the expired physical and determination memorandum were corrected, the applicant's documentation was submitted to the first available FEDREC Board. The applicant was boarded and approved for FEDREC as a WO1 on 22 January 2022. He was sworn in on 22 January 2022. NGB Form 89 and oath of office are enclosed.

e. In conclusion, the applicant's eligibility for appointment as a WO1 expired on 29 July 2021, when his determination of eligibility for MOS 255A expired. This is evidenced by the proponent reissuing the determination on 19 October 2021. Additionally, the applicant became ineligible for appointment when his initial commissioning physical expired on 3 August 2021. The applicant should not have been allowed to attend the final phase of WOCS, as he was not qualified for appointment when the class started. Subsequent issues with medical waivers required for the second commissioning physical have no bearing on the expiration of the first physical. Lastly, his FEDREC as a Warrant Officer Candidate expired 24 September 2021, before he graduated WOCS on 25 September 2021, making him ineligible for appointment as a WO1. Based on the supporting documentation, the applicant was not eligible for appointment as a WO1 until 22 January 2022.

f. Based on the expiration of supporting documentation for appointment, the applicant was not eligible for appointment on 25 September 2021 when he graduated WOCS. Recommend disapproval of his ABCMR request (Docket Number AR20230006522).

5. On 16 November 2023, the NGB, Chief, Special Actions Branch provided an advisory opinion for this case and recommended disapproval. The advisory official stated:

a. The applicant signed his oath of office and informally pinned as WO1 at WOCS on 25 September 2021. When he reported back to his unit, there were issues with his packet, including his medical evaluation, and he complied with all requests to complete the expired paperwork. As a result of this delay, he was not federally recognized until 22 January 2022.

b. ■■■ ARNG issued determination of eligibility memorandum for the applicant on 30 July 2019. This memorandum determined that he was eligible for appointment as an Information Systems Technician, MOS 255A within 24 months from the date of the memorandum. The applicant completed a commissioning physical in accordance with Chapter 2, AR 40-501 on 4 August 2019. He was boarded for FEDREC as a WO1, MOS 255A on 25 September 2019. He was approved by the FEDREC Board and awarded MOS 09W.

c. Reserve Component WOCS is conducted in two phases. Phase one is a resident phase of five months, conducted during drill weekends. Phase two is a resident phase of two weeks, conducted in an active-duty status. The applicant completed WOCS phase one on 7 March 2021. He then attended WOCS phase two, with classes beginning on 17 April 2021. He was diagnosed with ADHD and was released from the course for non-successful completion. He eventually returned to school and WOCS on 25 September 2021. Upon his completion of WOCS, course completion documents were forwarded to the ■■■ ARNG G-1 for action in the applicable Human Resources Systems.

d. After analyzing the documents, the G-1 determined that he was ineligible for appointment. His determination of eligibility memorandum issued on 30 July 2019 was expired, as well as his Chapter 2 commissioning physical completed on 4 August 2019. A physical is valid for 24 months from completion, and the determination memorandum is valid for 24 months from issuance. His FEDREC as a Warrant Officer Candidate completed on 25 September 2019 was also expired since FEDREC is valid for 2 years from the date granted. Once the expired physical and determination memorandum were corrected, the applicant's documentation was submitted to the first available FEDREC Board. He was boarded and approved for FEDREC as a WO1 on 22 January 2022. He was sworn in on 22 January 2022.

e. According to National Guard Regulation (NGR) 600-101 (Warrant Officers Federal Recognition and Related Personnel Actions), successful completion of all phases of WOCS within two-years of appointment as a WOC is an eligibility requirement. Paragraph 2-7, section h also says, "Physical standards for appointment

as a warrant officer are prescribed in AR 40-501, Chapter 2 and except as indicated in subparagraph 4 below. An application for initial appointment must hold an acceptable medical examination concluded within two years prior to the date of appointment." Paragraph 2-8 also says, "Unless otherwise specified any Department of the Army MOS Proponent predetermination approval will remain valid for two years. If a Soldier does not become a WOC during the period specified within the proponent approval memo, a new predetermination packet must be submitted. The Soldier must continue to hold the enlisted feeder MOS for which approved if not appointed upon graduation from WOCS."

f. The applicant's eligibility for appointment as a WO1 expired 29 July 2021, when his determination of eligibility for MOS 255A expired. This is evidenced by the proponent reissuing the determination on 19 October 2021. Additionally, he became ineligible for appointment when his initial commissioning physical expired on 3 August 2021. He should not have been allowed to attend the final phase of WOCS, as he was not qualified for appointment when the class started. Subsequent issues with medical waivers required for the second commissioning physical have no bearing on the expiration of the first physical. Lastly, his FEDREC as a WOC expired on 24 September 2021, before he graduated WOCS on 25 September 2021, making him ineligible for appointment as a WO1.

g. Based on the supporting documentation, the applicant was not eligible for appointment as a WO1 until 22 January 2022. For these reasons, this office recommends disapproval of the applicant's request. There is no evidence of a delay or unjust error committed against the applicant regarding his FEDREC as a WO1. The Army National Guard FEDREC Branch and [REDACTED] ARNG concurs with this recommendation.

6. On 30 November 2023, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board concurred with the conclusion of the advisory official that the evidence confirms the applicant was not eligible to be appointed as a WO1 until 22 January 2022. Based on a preponderance of the evidence, the Board determined his DOR for WO1 is not in error or unjust.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

	6/27/2024
X	[Redacted Signature]
CHAIRPERSON	
[Redacted Name]	

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. 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. In pertinent part, it states the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2–11 states that 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.

2. NGR 600-101 (Warrant Officers FEDREC and Related Personnel Actions), prescribes NGB policies and procedures governing the appointment, assignment, and management of Warrant Officers in the ARNG. In pertinent part:

a. Paragraph 2-2 (FEDREC) provides that, FEDREC is the process that ensures Officers appointed by individual States meet the qualifications required for service in the Federal Armed Forces. Prior to extending FEDREC, President of the United States (POTUS), or the Secretary of Defense acting on behalf of the POTUS, must first approve the Reserve Warrant Officer of the Army appointment. When the State appointment is federally recognized, an ARNG Warrant Officer is concurrently appointed as a Reserve Warrant Officer of the Army.

b. Paragraph 2-4 (Appointment Policy) provides that, the effective date of FEDREC is the date the Warrant Officer executes the Oath of Office on NGB Form 337. FEDREC remains in effect, as long as the Warrant Officer continues to meet the requirements of the grade and position or until such recognition is withdrawn based on requirements set forth in regulations or as otherwise required by law.

c. Paragraph 2-7 (Eligibility Criteria), subparagraph 2-7e(4) states, each applicant must successfully complete all phases of WOCS within two-years of appointment as a WOC. Paragraph 2-7h (Standards of Medical Fitness) states, physical standards for appointment as a warrant officer are prescribed in AR 40-501, chapter 2 and except as indicated in subparagraph 4 below. An application for initial appointment must hold an acceptable medical examination concluded within two years prior to the date of appointment.

d. Paragraph 2-8 (Predetermination), subparagraph 2-8g states, unless otherwise specified any DA MOS Proponent predetermination approval will remain valid for two years. If a Soldier does not become a WOC during the period specified within the proponent approval memo, a new predetermination packet must be submitted. The Soldier must continue to hold the enlisted feeder MOS for which approved if not appointed upon graduation from WOCS.

3. AR 40-501 (Standards of Medical Fitness) governs medical fitness standards for enlistment, induction, and appointment, including officer procurement programs. Chapter 2 (Physical Standards for Enlistment, Appointment, and Induction) establishes the basic medical standards for enlistment, appointment, and induction into the Armed Forces of the United States according to the authority contained in Section 113, Title 10, United States Code (10 USC 113). These standards are not all inclusive and other diseases or defects can be a cause for rejection based upon the medical judgment of the examining healthcare provider where such conditions may reasonably be expected to interfere with the successful performance of military duty or training or limit geographical assignment. Paragraph 2-2 (Application and responsibilities) states, in

pertinent part, the purpose of the standards contained in the most current Department of Defense Instruction 6130.03 and this chapter is to ensure that individuals are medically qualified. This chapter prescribes the medical conditions, physical defects, and procedures that are causes for rejection for appointment, enlistment, and induction into the U.S Army. Unless otherwise stipulated, the conditions listed in this chapter are those that would be disqualifying by virtue of current diagnosis or for which the candidate has a verified past medical history.

4. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers) prescribes the officer promotion function of the military human resource support operations for officers on the Reserve active status list and U.S. Army Reserve (USAR) warrant officers (WOs). Paragraph 4–5 (Determining date of rank for warrant officers) provides that, the DOR of an officer receiving an original appointment as a USAR WO is the date the appointment is accepted unless the officer received entry grade credit, in which case the DOR will be backdated to the extent that the entry grade credit awarded exceeds that required for the officer's appointment grade under applicable Army regulations and circulars.

//NOTHING FOLLOWS//