

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230006896

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect her promotion to the rank/grade of major (MAJ)/O-4.

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters (HQs), U.S. Army Human Resources Command (HRC) Orders Number 173-038
- DD Form 214 service ending 31 October 2021
- Retiree Account Statement

FACTS:

1. The applicant states in effect, her DD Form 214 was completed and signed on 30 June 2021 for a retirement date of 31 October 2021. However, she was promoted to the rank/grade of MAJ/O-4, effective 1 July 2021.
2. A review of the applicant's service record shows:
 - a. With prior enlisted Regular Army (RA) service, the applicant executed her oath of office on 7 May 2011 and was appointed a RA commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.
 - b. On 22 October 2012, Orders Number 296-006, issued by HRC, the applicant was promoted to the rank/grade of first lieutenant (1LT)/O-2, effective on with a Date of Rank (DOR) of 21 November 2012.
 - c. On 13 April 2015, Orders Number 103-050, issued by HRC, the applicant was promoted to the rank/grade of captain (CPT)/O-3, effective on with a DOR of 1 May 2015.

d. On 28 January 2021, Orders Number 028-0008, issued by Joint Base Myer – Henderson Hall, the applicant was placed on the retired list, effective 1 November 2021, in the retired rank/grade of CPT/O-3 with the DOR 1 May 2015.

e. On 22 June 2021, Orders Number 173-038, issued by HRC, the applicant was promoted to the rank/grade of MAJ/O-4, effective on with a DOR of 1 July 2021 with a Senate confirmation date of 25 March 2021.

f. The applicant was honorably retired from active duty on 31 October 2021. DD Form 214 shows the applicant completed 10-years, 5-months and 17-days of active service. It also shows in items:

- 4a (Grade, Rate and Grade): CPT
- 4b (Pay Grade): O3
- 12i (Effective Date of Pay Grade): 1 May 2015
- 21a (Member Signature): Unable to E-Sign
- 22b (Date); (Official Authorized to Sign): 30 June 2021

g. The applicant's Officer Record Brief dated 1 November 2021 shows the applicant was promoted to the rank/grade of MAJ/O-4, effective 1 July 2021.

3. The applicant provides her Retiree Account Statement dated 11 December 2022 which shows her retirement pay at the rank/grade of CPT/O-3.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. By regulation, an officer promoted to the grade of lieutenant, captain, or major must serve in that grade for not less than 6-months from the date of promotion to voluntarily retire in that grade. The evidence shows the applicant was promoted to Major on 1 July 2021 and voluntarily retired on 31 October 2021. She only completed 4 months of service in the grade of Major. Therefore, the Board determined she did not qualify to retire in the grade of Major.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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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 (AR) 600-8-29 (Officer Promotions), prescribes the officer promotion function of military human resources (HR) support operations.
 - a. Paragraph 2-11i, an officer who is on a promotion list and is removed from the Active Duty List (ADL) prior to the effective date of promotion will not be promoted from the ADL promotion list.
 - b. Paragraph 3-2g, HRC will not promote those officers who are dropped from the rolls of the Army, separated, or retired before being promoted from the list without provisions for reinstatement on the list if they subsequently return to active duty. In

accordance with Title 10, United States Code, section 629(d), HRC will administratively remove those officers from the promotion list.

c. Paragraph 3-5b, the impact of promotions on Active Duty Service Obligation (ADSO) and retirement is as follows: (1) The ADSO is a specific period of active duty an officer must serve before being eligible for voluntary separation or retirement. Officers accepting a promotion to any grade other than CW3, CW4, and CW5 do not incur an additional service obligation; however, to retire in the next higher grade, the officer must serve satisfactorily in the new grade as established in AR 350–100. (2) Officers must serve for MAJ, CPT, 1LT–6 months prior to retirement.

2. AR 350-100 (Officer Active Duty Service Obligation), establishes policies and procedures for the receipt, computation, and notice of ADSOs for all commissioned officers and warrant officers serving on the active duty list. It also describes how ADSOs are served with commissioning ADSOs. Paragraph 2-4b, a commissioned officer who accepts a promotion does not incur an ADSO. However, an officer in the grade of lieutenant colonel or colonel must serve in that grade for not less than 3-years from the date of promotion to voluntarily retire in that grade unless waived under some other provision of law. An officer promoted to the grade of lieutenant, captain, or major must serve in that grade for not less than 6-months from the date of promotion to voluntarily retire in that grade.

//NOTHING FOLLOWS//