

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2024

DOCKET NUMBER: AR20230006903

APPLICANT REQUESTS: correction of his Date of Rank (DOR) for his promotion to the rank/grade of major (MAJ)/O-4 in the Army National Guard (ARNG) to show 1 December 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Request for Branch Transfer, 30 April 2021
- Special Orders Number IP-3931, 28 October 2021
- Orders Number 1558713, 10 December 2021
- Memorandum, Subject: Promotion as a Reserve Commissioned Officer of the Army
- Orders Number 3872434, 11 January 2023
- Memorandum, Subject Witness Statement Number 1
- Memorandum, Subject: Witness Statement Number 2
- Email correspondence

FACTS:

1. The applicant states, an extraordinary amount of time passed between individual requirements in order to fulfill the Unit Vacancy Promotion (UVP) process. The time frame from the 17A course completion with successful DA Form 1059 (Service School Academic Evaluation Report) receipt for predetermination of branch transfer took 86 days. His branch transfer packet took 166 days. Based on the timeline described previously, human resources system changes, COVID work restrictions, UVP packet missed initial deadline resulting in him being rolled to Department of the Army board. He is seeking a 1 December 2021 DOR.

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

a. On 11 August 2012, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 15 September 2016, Special Orders Number 195 issued by the National Guard Bureau (NGB) extended Federal Recognition and promoted the applicant to the rank/grade of captain (CPT)/O-3 in military intelligence, effective on with a DOR of 12 August 2016.

c. On 19 October 2022, Special Orders Number 90 issued by the NGB extended Federal Recognition and promoted the applicant to the rank/grade of MAJ/O-4 in cyber, effective on with a DOR of 8 July 2022.

d. The applicant remains in the ARNG.

3. The applicant provides:

a. Memorandum, Subject: Request for Branch Transfer dated 30 April 2021 which shows the applicant's request for branch transfer from the military intelligence to cyber was approved.

b. Special Orders Number IP-3931 dated 28 October 2021 which shows the NGB approved the applicant's branch transfer.

c. Orders Number 1558713 dated 10 December 2021 which shows the [REDACTED] ARNG ([REDACTED] ARNG) approved the applicant's branch transfer to the U.S. Army Cyber Protection, effective 3 June 2021.

d. Memorandum, Subject: Promotion as a Reserve Commissioned Officer of the Army dated 19 October 2022 which shows the applicant was promoted to the rank/grade of MAJ/O-4, effective 8 July 2022.

e. Orders Number 3872434 dated 11 January 2023 which shows the applicant was promoted in the [REDACTED] ARNG to the rank/grade of MAJ/O-4, effective 8 July 2022

f. Memorandum, Subject Witness Statement Number 1 dated 27 February 2023 wherein Sergeant First Class (SFC) [REDACTED] states in pertinent part, the applicant attended the Cyber Operation Course for approximately 7 months in pursuit of area of concentration 17A (Cyber Warfare) as required for the Cyber Protection Battalion Executive Officer position after being recommended for promotion in this position in 2020. He fulfilled his part of the obligation on 11 February 2021. Due to multiple delays in the administrative process while processing the predetermination of branch transfer and branch transfer packet, his promotion packet missed the UVP window. This was at no fault of the applicant. Historically, branch transfers took 30 to 45 days. With multiple delays, his took 8 months. This held up his UVP packet ultimately leading to him missing the UVP deadline requiring his packet to go before the Department of the Army

board. With normal processing and scrolling times, he should have a DOR to MAJ/O-4 that reflects approximately December 2021.

g. Memorandum, Subject: Witness Statement Number 2 dated 28 February 2023 authored by Lieutenant Colonel [REDACTED] which reiterates the statement provided by SFC [REDACTED] above.

h. Email correspondence wherein a timeline of events was provided showing the applicant's delay in promotion. A [REDACTED] ARNG official responded to the applicant on 13 July 2022 stating the effective date and DOR will be the Department of the Army board approval or Senate confirmation date if the officer was assigned to a position in the next higher grade. If the officer was not assigned to a position in the next higher grade, the effective date and DOR will be the date of assignment to the next higher grade position.

4. On 30 January 2024, in the processing of this case an advisory opinion was provided by the NGB, Chief, Special Actions Branch, which recommends approval and states in pertinent part:

a. The applicant was selected for promotion to the rank of MAJ by a Department of the Army selection board. He was promoted on 8 July 2022 once assigned to a position of higher grade. Delays in his branch transfer which took approximately five months due to transition of human resources system from Etracker to Integrated Personnel and Pay System Army (IPPS-A) caused him to miss the UVP window, and therefore his promotion was delayed.

b. The [REDACTED] ARNG did a review of his claim and documents presented. The [REDACTED] ARNG concluded that the delays caused by transition to IPPS-A which held up the branch transfer caused him to miss the UVP window. The [REDACTED] ARNG agreed that he was in line for a UVP, and therefore his DOR should be adjusted.

c. After a review of the Soldier's ABCMR case with the ARNG Federal Recognition section this office concurs with the recommendation of the [REDACTED] ARNG to have his DOR adjusted. The ARNG Federal Recognition recommends his DOR be adjusted to 3 January 2022 due to delays in transitioning to IPPS-A which caused delays in the branch transfer, which caused him to miss the UVP window.

d. The opinion of this office was coordinated with the [REDACTED] ARNG, and the ARNG Federal Recognition Section.

5. On 1 February 2024, the advisory opinion was provided to the applicant to provide comments or rebuttal.

6. On 4 February 2024, by email, the applicant responded to the advisory opinion accepting the recommendation provided in the advisory opinion.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the National Guard Bureau (NGB), Chief, Special Actions Branch advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant's date of rank should be adjusted to 3 January 2022 due to delays in transitioning to IPPS-A which caused delays in the branch transfer, which caused him to miss the UVP window. The Board determined based on the advising opine and the South Carolina Army National Guard review, there is sufficient evidence to correct the applicant's date of rank for his promotion to the rank/grade of major (MAJ)/O-4 in the Army National Guard (ARNG) to show 3 January 2022. Therefore, the Board granted partial relief.

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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show the applicant's date of rank (DOR) for his promotion to the rank/grade of major (MAJ/O-4) in the Army National Guard (ARNG) to show 3 January 2022.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of the applicant's DOR for his promotion to the rank/grade of major (MAJ)/O-4) in the Army National Guard (ARNG) to show 1 December 2021.

3/1/2024

X [REDACTED]

CHAIRPERSON

[REDACTED]

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. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions) states to be considered for a federal recognition following State promotion to fill a unit vacancy, an ARNG commissioned officer must be in an active status, have completed the minimum years Time in Grade (TIG) (for promotion to MAJ is 4 years).

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//