

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2025

DOCKET NUMBER: AR20230008353

APPLICANT REQUESTS:

- In effect, revocation of Headquarters, U.S. Army Reserve Command Orders Number 20-246-00001, dated 2 September 2020, thereby reinstating him as a U.S. Army Reserve (USAR) commissioned officer with no gap in service
- Authorization to complete Basic Officer Leader Course (BOLC) for Military Intelligence (MI)
- Upon completion of BOLC, retroactive promotion to O2E (first lieutenant (1LT) with prior enlisted service) with an effective date of 15 June 2015
- Promotion to captain (CPT)/O-3E, effective the date of the applicant's BOLC graduation
- In the alternative, the applicant requests reinstatement as a USAR commissioned officer, effective 15 June 2013, and revocation of North Carolina Army National Guard (NCARNG) Orders Number 126-900, dated 6 May 2014
- Permission to appear personally before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Enclosure 1 – Commanding General (CG), U.S. Army Cadet Command and Fort Knox Letter
- Enclosure 2 – Appellate documents pertaining to U.S. Army Reserve Officers' Training Corps (ROTC) disenrollment proceedings
- Enclosure 3 – Email and formal request to backdate applicant's rank
- Enclosure 4 – Applicant's lawsuit against university
- Enclosure 5 – Second issue: Discharge from USAR
- Enclosure 6 – Improper rank reduction from E-5 to E-4
- Enclosure 7 – Applicant's self-authored statement and résumé

FACTS:

1. Counsel states, while the applicant attended a university and participated in its ROTC program, the university placed the applicant on probation based on sexual

assault allegations, and, as a result, his professor of military science initiated disenrollment proceedings against him.

a. Issue 1: Adjustment of Date of Rank.

(1) The applicant received notice of disenrollment proceedings on 1 August 2013; he appealed the results of that first disenrollment hearing, and, on 17 April 2014, the hearing was determined to be legally and procedurally insufficient.

(2) On 14 January 2015, a second disenrollment hearing convened, and the applicant again appealed the results; the CG, U.S. Army Cadet Command directed that the applicant's ROTC brigade commander could either hold a third hearing or commission the applicant. On 4 March 2016, the ROTC brigade commander elected to commission the applicant, and, in explaining his decision, the brigade commander stated, "the record fails to show definitive evidence that supports disenrollment."

(3) Counsel argues that none of the delays in his commissioning are attributable to the applicant; instead, all resulted from the U.S. Army Cadet Command's slow and bureaucratic process. The applicant finally received his USAR commission in May 2016, but it should have been May 2013.

(4) The applicant sued the university and the U.S. Army ROTC programs for disparaging his reputation and causing an undeserved blemish on his military service record. Upon receipt of the filed stipulation of dismissal with prejudice, the university agreed to pay attorney's fees and expunge the applicant's student record so that it reflected no disciplinary incidents. Following the lawsuit's conclusion, the applicant requested the U.S. Army Cadet Command to backdate his date of commission but never received a response.

b. Issue 2: Applicant requests the rescission of his administrative separation from the USAR, which was based on non-attendance of BOLC.

(1) The Army branched the applicant in the MI Corps. Due to delays in obtaining a top secret (TS) security clearance, the applicant was initially precluded from attending BOLC. In the interim, the applicant secured a high-paying job. When his clearance finally came through, the Army essentially asked him to "drop everything and go back to BOLC, and then (transfer to a) follow-on assignment (in) Syria. With BOLC and a Syrian deployment, he would be gone for over a year and a half."

(2) In 2018, because of the foregoing, the applicant requested reassignment to the Individual Ready Reserve (IRR), and the applicant's higher command approved that request; however, in 2019, the issue resurfaced when a new chain of command asked the applicant what he wanted to do. The applicant responded that he wished remain in

the IRR until he was better able to predict his employment; he refiled paperwork to remain in the IRR, but instead of approving his request, the command honorably discharged him, effective 2 April 2020 (sic).

(3) Counsel cites the current July 2021 version of Army Regulation (AR) 140-10 (Assignments, Attachments, Details, and Transfers) to point out the following from paragraph 4-6 (Involuntary Reassignment of Troop Program Unit (TPU) officers who have Not Completed Officer Basic Course, or are Assigned Above the Maximum Allowable Strength Limits, or are Declared Unsatisfactory Participants):

(a) "The involuntary reassignment of certain categories of TPU officers is authorized...The involuntary reassignment of an officer to an appropriate control group of the IRR is authorized (when the officer)...has not completed OBC/BOLC within 24 months of appointment...."

(b) "The only acceptable reasons for an office not attending or not having been scheduled for OBC/BOLC are – 1. Civilian job conflict, substantiated by a written statement from the employer." Counsel contends the applicant had such a statement, and counsel has included it for the Board's review.

c. Issue 3: Removal of derogatory language and demotion from his Reserve Component record. While the applicant attended ROTC, he was a member of the Simultaneous Membership Program (SMP) in the NCARNG.

(1) The applicant's NCARNG unit made a "misguided decision to demote him without any proceeding or notice. The decision was allegedly made because of his pending issue before Army ROTC; however, his unit did not wait before making their hasty decision and simply demoted him."

(2) "As stated above, he was commissioned and the 'issue' was dropped, but his unit never fixed the demotion. It is for this reason, [applicant] wants his records fixed by removing (these) documents and fixing his rank to (sergeant (SGT)) E-5."

2. The applicant provides documents from his disenrollment proceedings and his appeals; his formal request to backdate his rank; his lawsuit against his university; and his résumé. In addition, he submits the following:

a. U.S. Army Cadet Command CG letter addressed to the applicant and dated 19 January 2016.

(1) The letter indicates it is in response to the applicant's appeal and states, "After careful consideration of your disenrollment packet, appeal documents, and your personal presentation to the Deputy Commanding General, I have decided to grant your

appeal in part by returning your case to the...Brigade Commander to consider initiating a new disenrollment board."

(2) "(The Brigade Commander) may either initiate a new disenrollment board or allow you to commission; if otherwise eligible. My decision is limited to granting you a new board."

b. Applicant's letter to his U.S. Senator, requesting the senator to reinstate him as a commissioned officer in the USAR. The applicant explains that the Army discharged him because he had not completed BOLC within 36 months of commissioning. The applicant went to state:

(1) The Officer of Personnel Management took 2 years to complete his TS security clearance; by this time, he was employed at a business where he was responsible for 10 to 15 percent of the company's revenue.

(a) "When my TS was finally cleared, I was told I would be slated for a 4-6 month BOLC followed by a 12 month deployment to Syria. While I have never shirked my duty regarding deployments or training, I was faced with a hard choice. Do I go to training and the deployment, or do I stay and maintain my companies interests and my career."

(b) "The hardest part was that if I deployed, my company would be losing that revenue (around 13 million a year) and would end up laying off 20-30 people as that revenue did not come in over those 18 months. The worst part was that it would also affect the sales and revenue generated when I returned. So I was looking at 24-36 months of impact to my household income as well as the income and employees of my company."

(2) The applicant elected a transfer to the IRR. "After my initial formal and written request to my command, I did not receive any formal response. I basically did not hear much from my unit for an entire year when I was contacted again asking if I was going to complete BOLC. My command had changed staff, and I gave them my initial request, dated April 2018 and again requested to be put into the IRR in April 2019...I did not hear a response from the Army Reserves until I received an email with a simple discharge letter, with no explanation."

c. Undated letter from the applicant's employer stating the applicant was tasked with generating "\$5-\$8 Million Dollars in new Revenue" for the company and, because the business was relationship-driven, "pulling (the applicant) out of the field for an extended period of time will impact the company's ability to execute on our targets/goals."

d. NCARNG Orders Number 126-900, dated 6 May 2014, announcing that, effective 25 November 2013, the applicant was reduced from SGT/E-5 to specialist (SPC)/E-4;

the reason was "Misconduct" and the reduction authority was AR 600-8-19 (Enlisted Promotions and Reductions), paragraph 10-21 (Other Reasons for Reduction). The orders additionally indicated the withdrawal of military occupational specialty (MOS) 09R (SMP) and the award of MOS 19D (Cavalry Scout).

e. Applicant's self-authored statement, in which he writes the following:

(1) Backdating Promotion.

(a) The applicant affirmed that, as of his application date, he was in his mid-thirties and had completed nearly 15 years of military service; nonetheless, his rank was still O-1 (second lieutenant (2LT)). He declares he should have been commissioned in 2013 and, had that happened, he would have completed BOLC within 2 years. Further, he would have been an O-2 (1LT) by 2015, and by 2018/2019, following assignments to a few key developmental positions, the Army would have promoted him to O-3 (CPT).

(b) It has now been another 4 years since then, and, by this point, "I would've hoped to have been multiple years into my first command or looking to transition to my first command after other duty positions. It may seem like I prioritized my civilian career over my military career ...and that is why I am so far behind. However, that is the absolute farthest from the truth."

(c) "I was forced to prioritize my civilian career to 1) afford attorneys to seek justice and fairness, and 2) because that was the hand that was dealt to me by the U.S. Army and the U.S. Army ROTC. All I am asking for is a chance to catch up to where I should be, continue my career, and be an asset in the fight that is surely to come."

(2) Separation. The applicant declares the Army "completely blindsided" him with the discharge. This is because he believed, following his first transfer request (in April 2018), that he was in the IRR. A year later (2019), he was shocked to learn that nothing had been done to transfer him; instead, the unit had been coding him as having excused absences and reflecting him in an unpaid status. After a second round of memoranda, requesting IRR transfer, the applicant received his separation orders. He notes that he tried to reenter the Army but was told he would have to complete officer candidate school to be re-commissioned; he declined because he thought it might invalidate his claim for backdating the date commission and subsequent promotions.

(3) Improper Entry on his Official Military Personnel Records (OMPF); specifically, the NCARNG's reduction orders, demoting him to SPC.

(a) "I was told I was demoted because of my ROTC 'issues' but I was always a part of Army Cadet Command and went through the disenrollment hearing process successfully."

(b) "First, the unit should have waited to see what the result was because if they had, they would have found it out was resolved in my favor; basically they jumped the gun. Furthermore, prior to demotion, I had no hearing or meaningful due process, it was just done."

(4) Currently. The applicant states he is working in "CTO Consulting advising CTO/CIOs (Chief Information/Technology Officers) of Fortune 500 companies...." He believes his education and technology background would make him an asset to the U.S. Army's Intelligence and Cyber Commands.

3. A review of the applicant's service record shows the following:

a. On 17 May 2008, after completing over 2 years of enlisted service in the USAR, the applicant enlisted into the NCARNG for 5 years and 31 weeks. At the time of his enlistment, he held the rank/grade of SPC in MOS 92A (Automated Logistical Specialist); however, he agreed to undergo training and reclassify as a 19D. Effective 17 September 2008, the NCARNG awarded him MOS 19D.

b. On 11 February 2009, orders called the applicant to active duty in support of Operation Iraqi Freedom; on 16 April 2009, he deployed to Iraq and redeployed, on 26 January 2010.

c. On 27 December 2010, the applicant signed a DA Form 597 (Army Senior ROTC Nonscholarship Cadet Contract). In paragraph 4a (Cadet Agreements Upon Program Completion Acceptance – Acceptance of Appointment), the applicant acknowledged to the following:

(1) "I agree to accept an appointment, if offered, as a commissioned officer in the USAR or ARNG, in accordance with governing Army regulations. I understand that upon appointment, I will incur a military service obligation not to exceed eight (8) years and cannot resign such appointment before completion; however, this obligation may be met in a variety of methods as outlined below. I further understand that active duty service may include worldwide assignment or assignment to a branch that involves combat or exposure to nuclear, chemical, or biological weapons."

(2) "Reserve Component Duty Assignment. If I am not selected for extended active duty, I will serve a short period of active duty or active duty for training if appointed in a Reserve Component. I will complete an officer's basic course for branch qualification. This will be followed by service in a Reserve Component Unit (ARNGUS or USAR) which has Monthly Unit Training Assemblies and an annual training period of approximately two weeks, until the remainder of my contractual military service obligation has been served."

d. Effective that same date, the NCARNG promoted the applicant to SGT and awarded him MOS 09R, with the note, "Promotion is to Cadet/E-5." On 15 December 2011, the applicant signed a National Guard Bureau (NGB) Form 594-1-R (Annex A, DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States/DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) – Simultaneous Membership Program Agreement – Army National Guard).

e. On 7 June 2012, a female cadet filed a complaint with local police claiming the applicant had sexually assaulted her; (the local police investigation ultimately determined the evidence was insufficient to pursue charges). In August 2012, a school Administrative Judicial Board determined the applicant had committed the sexual assault and, among other administrative sanctions, the board suspended the applicant from school for the period 13 August to 15 December 2012. The applicant filed numerous appeals, and the school conducted an additional administrative hearing.

f. According to the applicant's college transcripts, on 26 June 2013, he graduated with a Bachelor of Arts degree. In August 2013, the applicant's Professor of Military Science initiated disenrollment proceedings against him. NCARNG Orders, dated 6 May 2014, demoted the applicant from SGT to SPC and withdrew MOS 09R, effective 25 November 2013. In January 2015, a second disenrollment hearing convened after the first hearing was found to be legally and procedurally insufficient.

g. In April 2015, the school's administrative board findings were upheld after the Board of Trustees and Chancellor rejected the applicant's final appeal as untimely.

h. In January 2016, the CG, U.S. Army Cadet Command granted the applicant's appeal of his second disenrollment hearing and returned the case to the applicant's ROTC Brigade Commander. On 21 March 2016, the applicant's ROTC Brigade Commander signed a memorandum announcing he had decided the applicant should be commissioned.

i. On 13 May 2016, the NCARNG honorably discharged the applicant; his NGB Form 22 (Report of Separation and Record of Service) shows he completed 7 years, 11 months, and 27 days of NCARNG service. On 14 May 2016, the applicant executed his oath of office as a commissioned officer in the USAR, branched MI Corps. Also effective 14 May 2016, U.S. Army Human Resources Command (HRC) Orders assigned the applicant to a USAR Troop Program Unit (TPU) MI battalion.

j. On 26 March 2018, HRC issued the applicant orders directing him to report not later than 22 April 2018 to MI BOLC at Fort Huachuca, AZ. On 11 April 2018, HRC revoked those orders.

k. On 2 September 2020, Headquarters, U.S. Army Reserve Command (USARC) honorably discharged the applicant from the USAR, effective 2 October 2020; the additional instructions stated, "Removal from Active Status in accordance with AR 135-175 (ARNG and Reserve – Separation of Officers), paragraph 4-3a (13) (Removal from an Active Status), Failure to Complete the Military Educational Requirements."

(1) The applicant's separation date occurred 52 months and 18 days after he executed his oath of office.

(2) The applicant's DA Form 5016 (Chronological Statement of Retirement Points) indicates he accumulated 11 years and 2 days of qualifying service for a non-regular retirement.

4. On 19 January 2024, the Army Review Boards Agency (ARBA) requested USARC to provide an advisory opinion regarding the applicant's requests for reinstatement and a backdated promotion. On 6 February 2024, the Officer of the Chief of Army Reserve (OCAR), RMO Directorate indicated its office non-concurred and stated, "RMO does not process officer promotions; recommend re-task to HRC."

5. On 8 February 2024, ARBA requested HRC to provide an advisory opinion; on 8 February 2024, HRC responded, "Redirect to USARC and/or USAREC (U.S. Army Recruiting Command) (for ROTC). (Applicant's) concerns of being reinstated and the backdating of his commission, plus being allowed to attend/complete BOLC are not issues that TAGD (The Adjutant General Directorate) can provide an opinion on."

6. On 27 November 2024, ARBA requested the NGB to submit an advisory opinion; on 9 December 2024, after a conversation with NGB, ARBA's request was closed.

7. On 2 December 2024, the Officer Management Branch of OCAR stated, "This is about a [university] cadet that ROTC delayed the commission of and now the officer wants his date of rank backdated. This might be something for IMT (Initial Military Training Branch, responsible for scheduling BOLC), but, more likely, it should be sent to HRC accessions or to Cadet Command."

8. On 30 December 2024, the U.S. Army Cadet Command provided an advisory opinion. On behalf of the Cadet Command, its Deputy Chief of Staff for Personnel, G-1 opined the following:

a. The applicant was originally scheduled to be commissioned after graduation in 2013; however, a university investigation into allegations of sexual misconduct delayed

the applicant's appointment. In addition, the original disenrollment board, which was based on misconduct, was determined to be legal insufficient.

b. The CG, who is the appellate authority for non-scholarship disenrollments, directed the convening of a new disenrollment board. The second board was held and was found to be legally sufficient to disenroll the applicant. The applicant's ROTC Brigade Commander, who was the disenrollment board appointing authority, decided to allow the applicant's commissioning to proceed.

c. The advisory concluded, "The fact that he was allowed to commission does not negate his suspension from the university, or that he was under investigation by university officials. [Applicant] had been made aware that his status in ROTC was in jeopardy when he was notified of disenrollment. As a result, the Command had the obligation to consider the seriousness of the allegation. Therefore, no error or injustice was committed nor was there an unreasonable delay in his appointment."

9. On 2 January 2025, ARBA provided the U.S. Army Cadet Command's advisory opinion to the applicant for his review and the opportunity to submit a rebuttal. On 9 January 2025, both the applicant and his counsel sent in comments:

a. Counsel disclosed she is a former Army Judge Advocate General (JAG) officer with 12 years of experience representing cadets in disenrollment cases.

(1) "The G-1 memorandum provided us contains an inaccurate statement regarding case resolution."

(a) "While it claims (that) 'those issues (with the first disenrollment board) were corrected and a second disenrollment board was held and found legal sufficient to disenroll him or to allow his appointment as a commissioned officer,' this misrepresents the stated options per the CG."

(b) According to the CG, U.S. Army Cadet Command's letter, the brigade commander had three options: initiate a third disenrollment board; commission the applicant; or proceed with disenrollment (based on the results of the second board).

(2) "In my extensive experience representing ROTC Cadets, this case stands out for its extraordinary duration. ROTC cases typically proceed much more efficiently, a point notably absent from the G-1's letter. In my entire practice, only two cases, including this one, have exhibited such extreme delays. The fact that [applicant's] case nearly proceeded to a third hearing underscores the procedural irregularities involved. Moreover, [U.S. Army Cadet Command CG]'s directive for the Brigade Commander to act 'expeditiously' further acknowledges that the case's duration had become

problematic. The ABCMR represents the only avenue available to address this injustice."

(3) Counsel argues that, based on the facts of the applicant's case, the Board should question the U.S. Army Cadet Command's conclusion that the "delays were not 'unreasonable' and that no 'error or injustice' occurred. In fact, the mere mention of a possible third hearing due to previous errors demonstrates significant procedural issues. The extraordinary duration of this case alone constitutes an injustice."

b. The applicant wrote that he found the advisory opinion to be "puzzling, given their prior acknowledgement of procedural errors."

(1) "Cadet Command has admitted on three separate occasions that their processes were flawed...The history of (the applicant's) case clearly demonstrates a pattern of procedural violations...When the matter finally received a truly impartial review, instead of proceeding with a third disenrollment hearing, it was determined that there was insufficient evidence to support disenrollment, and I was rightfully commissioned."

(2) "It is crucial to note that no new facts were introduced into the record after the University hearing in Fall 2012. The only subsequent development was the filing of my lawsuit, which merely presented and organized the existing facts that had already been covered and submitted during the University hearing facts that were unfortunately ignored at that time. Furthermore, my commission was granted prior to the settlement with (applicant's university), in which the university acknowledged that their suspension was made in error due to these same procedural violations."

(3) "Given these circumstances, it is reasonable to conclude that, had Cadet Command conducted the initial hearing promptly within the standard six to nine months of [university's] decision and properly followed regulations and due process requirements, I would have received my commission at the time of my graduation in June 2013. The delays and multiple procedural violations effectively postponed commissioning that should have occurred years earlier, as evidenced by the final decision to commission once proper procedures were followed."

(4) "A three-year delay cannot be considered reasonable by any standard. During this extended period, I remained in a state of limbo as a part of Army ROTC Cadet Command, unable to fully move forward with my life."

(a) "This meant three years of uncertainty about whether to accept job opportunities or make other life decisions, all while waiting months on end for each procedural error to be addressed and new legal opinions to be issued, only to result in

yet another board. It is crucial to emphasize that the facts of my case remained unchanged throughout these three years."

(b) "I should have been commissioned much earlier, as the evidence, that eventually led to my commissioning, was present from the beginning. The procedural and legal errors that caused these delays were not of my making."

10. AR 15-185 (Army Board for Correction of Military Records (ABCMR), currently in effect, states in paragraph 2-11 (ABCMR Hearings) that applicants do not have a right to a hearing before the ABCMR; however, the Director or the ABCMR may grant a formal hearing.

BOARD DISCUSSION:

1. 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.

a. Reinstatement as a USAR commissioned officer with no gap in service, Authorization to Complete Basic Officer Leader Course (BOLC). Deny. The Board determined the applicant voluntarily declined attendance at the BOLC, a mandatory requirement for newly commissioned officers to maintain active status and progress in their military career. Following the declination of BOLC, the applicant elected to transfer to the Individual Ready Reserve (IRR), effectively removing him from active participation in the USAR. The investigation in which the applicant refers was conducted in accordance with applicable regulations and procedures. The applicant has not presented compelling evidence of administrative error, procedural irregularity, or injustice that would justify reinstatement with no gap in service.

b. Retroactive promotion to O2E. Deny. Based on the foregoing denial to attend BOLC and be reinstated in the USAR, the Board found no evidence of an error or injustice to retroactively promote the applicant to O2E with an effective date of 15 June 2015.

c. Promotion to CPT/O-3E. Deny. Based on the foregoing denials to attend BOLC, be reinstated in the USAR, and retroactive promotion to O2E, the Board found no evidence of an error or injustice to retroactively promote the applicant to O3E with an effective date of BOLC graduation.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

X//Signed//

CHAIRPERSON

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) 145-1 (Senior Reserve Officers' Training Corps (ROTC) Program: Organization, Administration, and Training), in effect at the time, prescribed policies and procedures for the ROTC program.

a. Paragraph 3-40 (Nonscholarship Cadet). A DA Form 597 was to be completed by Nonscholarship students enrolling in the ROTC advanced course (MS III). Completion by the student and the Professor of Military Science (PMS) or assistant PMS (together with the completion of enlistment documents) and execution of the loyalty oath enrolled the student in the advanced course.

b. Paragraph 3-43 (Disenrollment).

(1) A PMS could disenroll a Nonscholarship cadet; disenrollment could be initiated for the following reasons:

- The cadet was receiving an appointment or entering an officer training program other than ROTC
- The cadet was receiving training under Army Medical Department programs
- When a Nonscholarship Basic Course cadet requested disenrollment
- When the cadet withdrew or was dismissed from the academic institution
- The cadet became medical disqualified
- The cadet failed to maintain a minimum semester or quarter cumulative grade point average of 2.0 on a 4.0 scale and did not have at least a 3.0 cumulative average in all ROTC courses
- The cadet had a personal hardship
- The cadet failed to meet Army Weight Control and/or Army Physical Fitness standards prior to the end of the last school term of the Military Science III year
- The cadet was being approved as a conscientious objector
- The cadet was dismissed from ROTC advanced camp, received a recommendation not to receive credit for advanced camp, or withdrew from advanced camp for reasons other than breach of contract
- The ROTC leadership discovered a fact or condition that would bar the cadet from appointment, such as a positive urinalysis test for drugs and/or alcohol abuse
- When the cadet had committed misconduct, as demonstrated by disorderly or disrespectful conduct during ROTC classes/training, or other misconduct that substantially interfered with the ROTC mission, including participation in illegal interference with rights of other ROTC students, or similar acts
- The cadet demonstrated inaptitude for military service by a lack of general adaptability, skill, hardiness, ability to learn, or leadership skills

- The cadet showed undesirable character traits, such as cheating on examinations, stealing, unlawful use or possession of drugs, or acts of a discreditable nature with civil or military authorities
- The cadet displayed an indifference or lack of interest in military training, as reflected by frequent absences, failure to complete a weight control program, or similar acts
- The cadet breached his/her contract; (defined as any act, performance or nonperformance that breached the terms of the contract, regardless of whether the act, performance or nonperformance was done with specific intent or whether the student knew he/she had breached the contract)

(2) The PMS, ROTC Brigade Commander, or Regional Commander had the authority to appoint a board of officers, in accordance with AR 15-6 (Procedures for Investigating Officers and Boards of Officers).

(a) The appointing authority was to determine whether the formal or informal procedures of AR 15–6 were to be used. However, in every case, the student concerned had the right to appear personally before the board or officer conducting the investigation.

(b) The cadet was also entitled to be assisted in the preparation of the hearing by any reasonable available military officer (who need not be an attorney), or he/she could hire civilian counsel at his or her own expense; however, the counsel was not permitted to represent the cadet at the hearing but could be available to give advice.

(c) The requirement for appointment of a board of officers or investigating officers was waived if the student subject to disenrollment action had voluntarily waived (in writing) his or her right to such board review within 10 days of disenrollment notification.

(3) Cadets undergoing a disenrollment board were to be placed on a leave of absence upon notification of disenrollment proceedings. The ROTC contract was to be annotated to indicate the date of and reason for disenrollment.

2. AR 600-8-19 (Enlisted Promotions and Reductions), in effect at the time, prescribed policies and procedures for enlisted promotions and reductions. Chapter 10 (Reductions in Grade) addressed reasons and procedures for reducing enlisted Soldiers. Paragraph 10-21 (Other Reasons for Reduction) stated no board action was required and no appeal was available when a Simultaneous Membership Program participant withdrew or was eliminated from the ROTC Advanced Course; these participants were to be reduced to the grade held on the day before appointment to cadet status.

3. AR 140-10 (Assignments, Attachments, Details, and Transfers), in effect at the time, outlined policies and procedures for assigning, attaching, removing, and transferring U.S. Army Reserve (USAR) Soldiers.

a. Chapter 4 (Individual Ready Reserve (IRR)).

(1) Paragraph 4-2 (Composition of the IRR).

(a) The IRR consists of pre-trained individual Soldiers assigned to various control groups for control and administration who are available for mobilization in time of war or a national emergency declared by Congress.

(b) IRR groups are under the administrative jurisdiction of the U.S. Army Human Resources Command (HRC) and include the following:

- U.S. Army Control Group (Annual Training) – Soldiers with a statutory military service obligation (MSO) and who are credited with less than 3 years of active duty; these Soldiers have a mandatory training requirement and are subject to mandatory assignment to a Troop Program Unit (TPU)
- U.S. Army Control Group (Reinforcement) – Soldiers with or without a remaining MSO who have completed 3 or more years of active duty or 2 years active duty and 2 year in a USAR TPU; there is no mandatory training requirement
- U.S. Army Control Group (Office Active Duty Obligor (OADO)) – Authorized for officers who are commissioned from ROTC and delayed from entry on initial active duty or Reserve Forces Duty (RFD)

(2) Paragraph 4-4 (Voluntary Transfer or Reassignment of TPU or Individual Mobilization Augmentee (IMA) Officers and Warrant Officers).

(a) An officer or WO who is not obligated to serve in a TPU by statute or contract may be reassigned to control group (Reinforcement) on request. Approval authority for these requests rests with the Chief, Army Reserve (CAR)/area commander or delegated representative. Conditions warranting reassignment include when there is a confirmed unresolvable employment conflict or for cogent personal reasons, provided the CAR has approved an exception to policy.

(b) Officers obligated to serve in the Selected Reserve as a result of obtaining a commission through Officer Candidate School (OCS), ROTC, or direct appointment, may not be transferred to the IRR without a written exception to policy prior to the expiration of their contractual obligation.

(3) Paragraph 4-6 (Involuntary Reassignment of TPU Officers Who Have Not Completed Officer Basic Course (OBC), or are Assigned Above the Maximum Allowable Strength Limits, or are Declared Unsatisfactory Participants).

(a) The involuntary reassignment of certain categories of TPU officers is authorized. This is not authority to eliminate officers from TPU assignments under adverse conditions; rather it is to permit reassignments, which will support maximum unit readiness and strength.

(b) The involuntary reassignment of an officer to an appropriate control group of the IRR is authorized when the officer has not completed OBC/BOLC within 24 months of appointment.

b. Chapter 7 (Removal from Active Status).

(1) Paragraph 7-1 (Reasons for Removal – General). The provisions in this chapter apply to Soldiers assigned to the Selected Reserve, the Individual Ready Reserve, and the Standby Reserve (Active List). Soldiers removed from active status will be discharged or transferred to the Retired Reserve, if eligible.

(2) Paragraph 7-7 (Failure to Complete Military Education Requirements (Removal Rule 5)). Officers who fail to complete BOLC are to be removed from active status, with the following exceptions:

- Officers who fail to complete the basic branch course may be retained on an individual basis
- Requests for retention must be sent through command channels to HRC; the period will not exceed 1 year and is not authorized solely to qualify the officer for promotion

4. AR 135-155 (Army National Guard and Reserve – Promotion of Commissioned Officers and Warrant Officers), currently in effect, applies to commissioned officers of the US Army Reserve on the Reserve active Status List (RASL). Chapter 2 (Selection Boards) addresses eligibility requirements for promotion to first lieutenant (1LT) and captain (CPT).

a. Paragraph 2-3 (Convening Selection Boards). The Secretary of the Army convenes promotion selection boards (PSB) based on the needs of the Service, and PSBs select commissioned officers on the RASL for promotion to CPT.

b. Paragraph 2-7 (Promotion Eligibility). To be eligible for consideration for promotion to the next higher grade, a USAR officer must have continuously performed service on the RASL or the Active Duty List (ADL) (or a combination of both lists) during

the entire previous 1-year period ending on the convening date of the promotion board and must be in one of the zones of consideration as determined by the Secretary of the Army in their announcement message.

c. Paragraph 2-9 (Military Educational Requirements). For promotion to 1LT and CPT, the officer must have completed all phases of the Basic Officers Leadership Course (BOLC) that are required to be deployable; this requirement is not waivable.

d. Paragraph 2-10 (Civilian Education Requirement in accordance with Title 10, U.S. Code, section 12205 (Appointment of Reserve Officers – Commissioned Officers: Appointment; Educational Requirement)). No person may be selected for promotion to the Reserve grade of CPT or above unless, no later than the day before the selection board convene date, that person was awarded a baccalaureate degree from an accredited institution.

e. Table 2-1 (Time in Grade (TIG) and Military Education Requirements for Officer Promotion Consideration (Statutory)). For promotion from second lieutenant (2LT) to 1LT, the officer must have a minimum TIG of 18 months and completed BOLC. For CPT, the officer must have a minimum of 2 years TIG and BOLC completion.

f. Chapter 6 (Special Selection Boards (SSB)). Headquarters, Department of the Army can convene SSBs to consider or reconsider for promotion those commissioned officers on the RASL who were not promoted due to either an administrative or material error.

5. U.S. Army Reserve Command (USARC) Memorandum, dated 19 March 2024, subject: USARC G-1 BOLC Policy.

a. Purpose. Establish process to ensure eligible officers are BOLC qualified within the 24-month requirement.

b. Eligibility. All USAR Pre-BOLC officers accessed/assigned exceeding 12-months from date of commission without a valid BOLC reservation scheduled by USARC G-1. The following branches are managed by USARC G-1 Initial Military Training (IMT) branch, to include area of concentration (AOC) 35A (Military Intelligence Officer).

c. Effective immediately. To avoid separation in accordance with Title 10 U.S. Code, section 10104 (Army Reserve: Composition), USARC G-1 Initial Military Training (IMT) branch is to schedule any initial entry officer meeting eligibility requirements at the first availability for BOLC enrollment, using a Personnel Action Request (PAR). The PAR will annotate the address of the officer at the time USARC G-1 IMT schedules the officer.

d. USARC G-1 IMT will make all attempts to schedule the officer in the commissioned branch. If a specific branch training is not available, USARC G-1 IMT will branch transfer the officer, based upon the needs of the Army Reserve.

e. Commanders requesting a waiver for Title 10, U.S. Code, section 10104 to exceed the 24-month requirement must submit that request to USARC G-1 through the Major Subordinate Command (MSC) commander to the Secretary of the Army's office. USARC G-1 must receive an officer's waiver request not later than, or within 18-months of, the officer's date of commissioning.

6. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states in paragraph 2-11 (ABCMR Hearings) that applicants do not have a right to a hearing before the ABCMR; however, the Director or the ABCMR may grant a formal hearing.

//NOTHING FOLLOWS//