

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230009355

APPLICANT REQUESTS: promotion to the rank/grade of sergeant first class (SFC)/E-7 and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Order of Merit List (OML) Number, 30 March 2022

FACTS:

1. The applicant states, in pertinent part, on 30 March 2022, his OML Number of 277 was passed over due to the fact he was coded as a "No Show" for the Senior Leaders Course (SLC). The reason for the No Show was because he had become very sick, tested positive for COVID-19, and was in the hospital the weekend prior to reporting to SLC. His chain of command at the time had not known, as his wife did not have their phone numbers due to the fact he had just reported to the battalion and was not reported as being in the hospital for several days after. The No Show code remained on his record and was not cleared for about a year after. He has now successfully completed SLC, never had a negative Noncommissioned Officer Evaluation Report (NCOER) and has been serving as a Large Station Commander for the United States Army Recruiting Command (USAREC) for the past 5 years. He simply requests to be granted what he earned and finds it unfair that he was passed up because of testing positive for COVID-19.

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

a. On 1 May 2007, he enlisted in the Regular Army for a period of 4 years. In conjunction with this enlistment, he signed DA Form 3286 (Statement for Enlistment United States Army Enlistment Program) showing he was assigned Military Occupational Specialty (MOS) 42A (Human Resources Specialist).

b. On 1 November 2010, he reenlisted in the Regular Army for a period of 4 years at the rank/grade of specialist (SPC)/E-4.

c. On 27 January 2014, he reenlisted in the Regular Army for a period of 4 years at the rank/grade of sergeant (SGT)/E-5.

d. On 25 April 2016, the U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison Command, Fort Knox, issued Orders Number 116-0390 awarding him MOS 79R (Recruiter) and withdrawing MOS 42A, effective 29 April 2016.

e. DA Form 1059 (Service School Academic Evaluation Report), dated 28 April 2016 shows he completed Army Recruiter Course from 15 March 2016 to 29 April 2016 at the rank of SGT.

f. On 24 March 2017, the U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison Command, Fort Knox, issued Orders Number 083-0387 promoting him to the rank/grade of staff sergeant (SSG)/E-6, effective on with a date of rank of 1 April 2017.

g. On 19 November 2018, he reenlisted in the Regular Army for a period of 6 years at the rank of SSG.

h. On 14 June 2022, he reenlisted in the Regular Army for an indefinite period at the rank of SSG.

i. DA Form 1059, dated 19 May 2023, shows he completed Recruiting SLC from 3 May 2023 to 19 May 2023 at the rank of SSG.

j. He continues service in the Regular Army.

3. The applicant provides the data sheet which shows his OML number as 277 out of 741 for promotion to the rank/grade of sergeant first class (SFC)/E-7.

4. On 16 February 2024, the Chief, Senior Enlisted Promotions, Promotions Branch, U.S. Army Human Resources Command (HRC), provided an advisory opinion recommending disapproval of the applicant's request stating, in effect:

a. After a review of the applicant's request, the United States Army Human Resources Command Enlisted Promotions Branch has determined administrative relief is not warranted and unsubstantiated.

b. His course of action at the time should have been to request a medical exemption from Military Schools Branch for the SLC No Show. Reference c. states in paragraph 4 "... All other eligibility requirements, to include completion of the requisite Distributed Leaders Course, must otherwise be met. A Soldier must not have any record

(within the Army Training Resource and Reservation System (ATRRS)) of being a no-show or failing to attend (without proper authority) the requisite courses." Therefore, when his OML passed in May 2023, he was not eligible to receive a Temporary Promotion.

5. On 20 February 2024, the applicant was provided a copy of the advisory opinion and provided an opportunity to respond. 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 ineligible for promotion when his OML passed in May 2023 and he had failed to request the appropriate exemption for his SLC no show as described in the governing regulation. Based on a preponderance of the evidence, the Board determined that passing him over for promotion to SFC in 2023 was not an 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.

9/3/2024

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. Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions) in effect at the time, prescribes the enlisted promotions and reductions function of the military personnel systems. Paragraph 1-29 (Noncommissioned Officer Professional Development System requirement for promotion and conditional promotion) states, graduation of SLC is a promotion pin-on requirement to SFC.
2. Military Personnel (MILPER) Message Number 21-410, paragraph 4 states, all other eligibility requirements, to include completion of the requisite Distributed Leaders Course, must otherwise be met. A Soldier must not have any record (within the Army Training Resource and Reservation System (ATRRS)) of being a no- show or failing to attend (without proper authority) the requisite courses."
3. 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. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 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.

//NOTHING FOLLOWS//