

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230010264

APPLICANT REQUESTS: correction of his record to show his Date of Rank (DOR) for captain (CPT)/O-3 as 1 November 2021 instead of 23 January 2023.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

FACTS:

1. The applicant states in effect, he was assigned to a CPT company commander position on 1 November 2021. He was advised by his chain of command his application for promotion was submitted to the state headquarters for processing in February 2022. The application was not scrolled until September 2022. It was 15-months from the time he took command to the date his promotion to CPT was effective on 23 January 2023. He met the time in grade requirement for CPT in November 2020 and he completed the CPT Career Course in March 2021.

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

a. With prior Army National Guard (ARNG) enlisted service, the applicant executed his oath of office and was appointed a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1, effective 13 May 2017. The applicant's service record is void of his National Guard Bureau (NGB) Form 337 (Oaths of Office).

b. On 3 July 2017, Orders Number T-07-12971, issued by the NGB, the applicant was ordered to active duty for training effective 20 August 2017 to attending the Basic Officer Leader Course (BOLC).

c. On 25 August 2017, Special Orders Number 174, issued by the NGB, the applicant was appointed to the rank of 2LT, effective 13 May 2017, and was extended Federal recognition in the ARNG.

d. DA Form, 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for BOLC during the period of 21 August through 15 December 2017.

e. The applicant was honorably released from active duty on 15 December 2017 upon completion of the Ordnance BOLC. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 3-months and 26-days of active service.

f. On 9 October 2018, the board recommended the applicant for promotion to the rank/grade of first lieutenant (1LT)/O-2 and the recommendation was approved on 11 October 2018.

g. On 24 October 2018, Orders Number 297-949, issued by the State of Ohio Adjutant General's Department, promoted the applicant to the rank/grade of 1LT/O-2, effective on with a DOR of 13 November 2018. The additional instructions stated the effective date of promotion in the Reserve of the Army and corresponding DOR will be the date the Chief, NGB extends a Federal recognition of State promotion.

h. On 6 March 2019, Special Orders Number 61, issued by the NGB, the applicant was promoted and extended Federal recognition in the rank/grade of 1LT/O-2, effective on with a DOR of 13 November 2018.

i. On 23 February 2021:

(1) Orders Number 054-007, issued by the State of Ohio Adjutant General's Department, the applicant was ordered to active duty for training, effective 16 February 2021 for attendance at the virtual Logistics (LG) CPT Career Course Phase I.

(2) Orders Number 054-011, issued by the State of Ohio Adjutant General's Department, the applicant was ordered to active duty for training, effective 1 March 2021 for the attendance at the virtual LG CPT Career Course Phase II.

j. DA Form 1059 shows the applicant met standards at the LG CPT Career Course Phase I during the period of 16 through 26 February 2021.

k. DA Form 1059 shows the applicant met standards at the LG CPT Career Course Phase II during the period of 1 through 12 March 2021.

l. On 1 November 2021, Orders Number 1489801, issued by the Ohio ARNG (OHARNG) Army Element Joint Force Headquarters (HQs), the applicant was assigned to the commander position of F Company, 237th Support Battalion, effective 1 November 2021.

m. On 13 August 2022, Orders Number 1990544, issued by the OHARNG Army Element Joint Force HQS, the applicant was assigned to a mobilization related position in the 237th Combat Support Battalion, effective 1 August 2022.

n. On 1 September 2022, Orders Number 37-244-0035, issued by the State of Ohio Adjutant General's Department, the applicant was ordered to active duty in support of Operation Inherent Resolve, effective 23 September 2022.

o. DA Form 67-10-1 (Company Grade Plate Officer Evaluation Report) for the period of 1 November 2021 through 31 October 2022, shows the applicant was rated as a company commander.

p. On 20 December 2022, Orders Number 3781645, issued by the OHARNG, the applicant was assigned to the Maintenance and Munitions Material Officer position in the 237th Combat Support Battalion, effective 23 September 2022.

q. The applicant's service record is void of the NGB Form 89 (Proceedings of a Federal Recognition Examining Board (ARNG) regarding his promotion to the rank/grade of CPT/O-3.

r. On 3 February 2023, Special Orders Number 47, issued by the NGB, the applicant was extended Federal recognition and promoted to the rank/grade of CPT/O-3, effective on with a DOR of 23 January 2023.

s. The applicant was honorably released from active duty on 21 October 2023. DD Form 214 shows the applicant completed 1-year and 29-days of active service. It also shows in items:

- 4a (Grade, Rate or Rank): CPT
- 4b (Pay Grade): O3
- 12i (Effective Date of Pay Grade): 23 January 2023

3. On 26 March 2024, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for the adjustment of his DOR to 1 November 2021. The advisory official stated partial relief was recommended. The applicant's promotion packet was submitted to the NGB on 13 April 2022; however, it was not reviewed until 19 August 2022 which exceeds the 100-day standard for processing. His packet was scrolled on 7 September 2022 and the scroll was approved on 23 January 2023 at 118-days of processing time. With the 60-day timeline to get the Directorate of Military Personnel Management (DMPM) Federal Recognition it is recommended his DOR and effective date be adjusted to 23 November 2022 when the scroll was signed.

4. On 27 March 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The NGB issued Special Orders Number 47, extending the applicant Federal recognition for promotion to CPT effective on with a DOR of 23 January 2023. The applicant contends that his DOR to CPT in the ARNG should be adjusted to 1 November 2021. The Board reviewed and agreed with the NGB advisory officials finding that the applicant's promotion packet was submitted to the NGB on 13 April 2022; however, it was not reviewed until 19 August 2022 which exceeds the 100-day standard for processing. His packet was scrolled on 7 September 2022 and the scroll was approved on 23 January 2023 at 118-days of processing time. With the 60-day timeline to get the DMPM Federal Recognition, the Board agreed with the NGB that his DOR and effective date should be adjusted to 23 November 2022, the date the scroll was signed.

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 and Army National Guard records of the individual concerned be corrected by amending Special Orders Number 47, issued by the NGB on 3 February 2023, extending Federal recognition and promoting to CPT/O-3, effective on with a DOR of 23 November 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 any relief in excess of that described above.



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 (NGR) 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions), prescribes policies and procedures governing the appointment, assignment, temporary Federal Recognition, Federal Recognition and reassignment of commissioned officer of the ARNG.

a. Paragraph 3-5 states a Federal Recognition board action is required for promotion.

b. Paragraph 8-2 (Promotion criteria), promotion will be based on efficiency, time in grade, time in commissioned service, military education and civilian education and the potential for service in the next higher grade. Promotion will be accomplished only when the officer is assigned to an appropriate higher graded position vacancy in the unit.

c. Paragraph 8-3 (Promotion as a Reserve Commission Officer of the Army), the effective date determines the officer Federal pay and allowances in the next higher grade. The effective date is determined when the Chief, NGB in conjunction with the Secretary of Defense approval or the Senate confirmation date. Department of the Army Select M-Day commissioned officer, effective date and DOR will be the DA board approval 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.

d. Paragraph 8-8 (Minimum year of time in grade for promotion eligibility), a commissioned officer must complete the minimum time in grade prior to being

considered for promotion and Federal recognition in the higher grade. For promotion to the rank of captain the minimum time in grade as a first lieutenant is 2-years.

e. Paragraph 8-10 (Military Education requirements for promotion) states for promotion to the rank of captain the minimum required military education is the completion of Basic Officer Leader Course

2. Title 10 United States Code (USC), section 14308 (Promotions: how made), (f) (Effective Date of Promotion After Federal Recognition), (1) The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the ARNG or the Air National Guard shall be the date on which such Federal recognition in that grade is so extended. (2) If there is a delay in extending Federal recognition in the next higher grade in the ARNG or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100-days from the date the NGB deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the NGB, and the delay was not attributable to the action or inaction of such officer; in the event of State promotion with an effective date before 1 January 2024, the effective date of the promotion concerned may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion.

3. 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//