

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20230010597

APPLICANT REQUESTS: in effect, correction of his first lieutenant (1LT) Active Date of Rank (ADOR) from 5 April 2022 to 29 March 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1059 (Service School Academic Evaluation Report)
- Separation Orders
- U.S. Army Human Resources Command (HRC) Orders Number A-06-200690 and amendment number A-06-200690A03

FACTS:

1. The applicant states, in effect, he graduated from Phases 1 and 2 of the Interservice Physician Assistant Program (IPAP), and as the course concluded, the Army chose to give members of the class two different graduation dates: respectively, 30 September and 7 October 2022.

a. The applicant's classmates were a mix of enlisted Soldiers and warrant officers; the warrant officers (to include the applicant) had already completed the Army Medical Department (AMEDD) Basic Officer Leader Course (BOLC), but the enlisted Soldiers needed to attend. The next available BOLC was starting on or about 4 October 2022, so the enlisted Soldiers were allowed to graduate on the September date.

b. Because each Soldier's ADOR was tied to their graduation date, those who completed the course on 30 September 2022 received a ADOR of 29 March 2022, while the applicant and the other warrant officers were assigned 5 April 2022. The unintended consequence was that those with an ADOR of 29 March became eligible for the next captain (CPT) promotion screen (Fiscal Year 2023 (FY23) Active Component (AC) CPT AMEDD Fully Qualified Certification (FQC) promotion screen); the applicant and the other officers had to wait for the next fiscal year.

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

- a. On 14 December 2011, after completing enlisted service in the Wyoming Army National Guard and the Regular Army, the applicant executed his oath of office as an aviation warrant officer one (WO1) in the U.S. Army Reserve (USAR); orders immediately called him to active duty.
- b. Effective 14 December 2013, the Army promoted the applicant to chief warrant officer two (CW2), and, on 1 December 2019, he was promoted to chief warrant officer three (CW3).
- c. On 27 April 2020, the applicant entered Phase 1 of the IPAP and graduated, on 20 August 2021. He started Phase 2, on 6 September 2021.
- d. On 8 June 2022, HRC issued orders announcing the applicant's direct appointment as a 1LT in the Medical Service Corps; the effective date of his Regular Army commission was to be on the date he executed his oath of office.
- e. On 8 June 2022, HRC Orders Number A-06-200690 directed the applicant to enter active duty in the rank of 1LT for an indefinite period. The orders further stated the applicant was to report to Fort Sam Houston, on 16 October 2022, then continue on to his unit of assignment at Fort Riley, KS, arriving by 7 November 2022. The orders listed his DORRES as 30 September 2022.
- f. On 30 September 2022, HRC generated Orders Number A-06-200690A03, amending the initial order by changing the applicant's DORRES from 30 September to 7 October 2022. On 6 October 2022, the Army honorably discharged the applicant; his DD Form 214 (Certificate of Release or Discharge from Active Duty) showed he completed 10 years, 9 months, and 23 days of net active duty service, with 8 years, 7 months, and 2 days of prior active service.
- g. A DA Form 1059 shows that, on 7 October 2022, the applicant completed the IPAP, Phase 2; (the applicant's associated DA Form 71 (Oath of Office – Military Personnel) is unavailable for review). On 31 October 2022, HRC issued an order announcing its promotion determination for the applicant and showed his ADOR for 1LT as 5 April 2022. On 5 November 2024, Department of the Army orders announced the applicant's promotion to CPT, effective 5 October 2024. The applicant is currently serving on active duty.

3. On 23 August 2024, HRC provided an advisory opinion.

- a. HRC explained that, although the applicant's IPAP class was scheduled to conclude, on 7 October 2022, the U.S. Army Medical Center of Excellence (MEDCoE) allowed the enlisted students to graduate a week early (30 September 2022) so they could attend the AMEDD BOLC. The applicant had already completed BOLC, so he

graduated and was appointed as a 1LT in the Regular Army, on 7 October 2022. Thereafter, HRC established his ADOR as 5 April 2022.

b. MEDCoE's decision to bi-furcate IPAP graduation was administrative in nature and was intended only to facilitate the timely attendance of those Soldiers who needed to complete BOLC. Unfortunately, this action disadvantaged the applicant because his ADOR ended up being junior to those enlisted Soldiers who were released from the IPAP on 30 September 2022; (their ADOR was set at 29 March 2022).

c. When the Army announced the next promotion screening for CPT, the 1LT ADOR included were from 1 April 2021 through 31 March 2022, thus precluding the applicant from being considered. As a result, the applicant is more than one year behind the former enlisted Soldiers who graduated with him from IPAP.

d. Based on the foregoing, HRC recommends the Board take the following actions:

(1) Direct Health Services Division (HSD), HRC, to coordinate with AMEDD Accessions to amend applicant's active duty order to reflect his appointment in the Regular Army to SP (Army Medical Specialist Corps) in the grade of 1LT with a DOR in grade of 29 March 2022.

(2) Direct HSD, HRC to coordinate with Officer Promotions, HRC, to amend the applicant's promotion status order so that it shows his new ADOR as 29 March 2022, and to further update the Integrated Personnel and Pay System (IPPS-A) to reflect the same.

(3) Direct Officer Promotions, Special Actions, HRC, to screen the applicant's service record for inclusion on a supplemental list for the FY23 AC CPT AMEDD FQC promotion screen.

4. On 28 August 2024, the Army Review Boards Agency provided the applicant a copy of HRC's advisory opinion for his review and the opportunity to submit a rebuttal; on 28 August 2024, the applicant responded stating he had nothing to dispute.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted.

2. The Board carefully considered the applicant's request and contentions, his military record, his completion of IPAP, the MEDCoE decision to administratively bi-furcate IPAP graduation and the result of that action on the applicant. The Board considered the review and conclusions/recommendations of the HRC advising official. Based on a

preponderance of evidence, the Board determined that an injustice occurred and that the applicant's ADOR should be corrected to reflect a revised date.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX:	XX:	XX:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected as follows:

- HSD, HRC, in coordination with AMEDD Accessions amend 1LT Marshall's active duty order to reflect his appointment in the RA to SP in the grade of 1LT with a DOR in grade of 29 Mar 22
- HSD, HRC, in coordination with Officer Promotions amend 1LT Marshall's promotion status order to reflect his new DOR in grade as 29 Mar 22 and to further update the Integrated Personnel and Pay System - Army, to show the same; and
- Officer Promotions, Special Actions, HRC, screen 1LT Marshall's Army Military Human Resources Record for inclusion on a supplemental list for the FY23 AC CPT AMEDD FQC promotion.



X //signed//

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CHAIRPERSON  
Signed by:

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. Title 10 (Armed Forces), U.S. Code:

## a. Section 531 (Original Appointments of Commissioned Officers).

(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy shall be made by the President alone.

(2) Subject to the authority, direction, and control of the President, an original appointment as a commissioned officer in the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps may be made by the Secretary concerned in the case of a reserve commissioned officer upon the transfer of such officer from the Reserve Active-Status List of a Reserve Component of the Armed Forces to the Active-Duty List of an Armed Force.

## b. Section 532 (Qualifications for Original Appointment as a Commissioned Officer).

(1) Under regulations prescribed by the Secretary of Defense, an original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be given only to a person who is a U.S. Citizen; is able to complete 20 years of commissioned service before his/her 62nd birthday; is of good moral; is physically qualified; and has other special qualification as prescribed by regulations.

(2) A commissioned officer appointed in a medical skill other than as a medical officer or dental officer is not subject to the requirement to complete 20 years of commissioned service before his/her 62nd birthday.

c. Section 533 (Service Credit upon Original Appointment as a Commissioned Officer). Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

(1) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed, designated, or assigned in officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment.

(2) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

(3) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Armed Force concerned.

(4) Constructive service credited an officer under subsection (b) shall be used only for determining the officer's:

- Initial grade as a regular officer;
- Rank in grade; and
- Service in grade for promotion eligibility

(5) A reserve officer (other than a warrant officer) who receives an original appointment as an officer (other than as a warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps shall:

(a) In the case of an officer on the Active Duty List immediately before that appointment as a regular officer, be appointed in the same grade and with the same date of rank as the grade and date of rank held by the officer on the Active Duty List immediately before the appointment; and,

(b) In the case of an officer not on the Active Duty List immediately before that appointment as a regular officer, be appointed in the same grade and with the same date of rank as the grade and date of rank which the officer would have held had the officer been serving on the active-duty list on the date of the appointment as a regular officer.

d. Section 3064 (Special Branches). The special branches of the Army consist of commissioned officers of the Regular Army appointed therein, other members of the Army assigned thereto by the Secretary of the Army, and the sections prescribed in this chapter. The special branches include each Corps of the Army Medical Department. The Secretary of the Army may establish special branches for the Army and may assign commissioned officers (other than officers of the Regular Army) and members to such branches.

2. Department of Defense Instruction (DODI) 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)), currently in effect, includes guidance for entry grade credit. Enclosure 3 (Procedures) addresses entry grade credit.

a. A prospective HPO's entry grade and rank within grade will be determined by the number of years of entry grade credit awarded on original appointment, designation, or assignment as an HPO.

b. The entry grade credit will equal the sum of constructive service credit and prior commissioned service credit for service other than as a commissioned warrant officer up to the maximum credit allowed (i.e., the grade of O-4). A period of time will be counted only once when computing entry grade credit, and qualifying periods of less than 1 full year will be proportionately credited to the nearest day, except where noted otherwise.

c. For constructive service credit, individuals who begin commissioned service after obtaining the additional education, training, or experience required for appointment as an HPO will have the same grade and date of rank comparable to that attained by officers who begin commissioned service after getting a baccalaureate degree and serving for the period of time it would take to obtain the additional education. Constructive service credit will only be used to determine initial grade, rank in grad, and service in grade for promotion eligibility.

3. Army Regulation (AR) 600-8-29 (Officer Promotions), currently in effect, prescribes policies and procedures for officer promotions.

a. Paragraph 2-13 (Selection of Fully Qualified Officers). When the needs of the Army require, the Secretary of the Army may recommend the promotion of all first lieutenants (1LT) in the promotion zone who are fully qualified for promotion to captain (CPT) using an all-qualified officers list in lieu of convening a promotion selection board (PSB). Promotion screening authorities (The Surgeon General for competitive categories within the Army Medical Department (AMEDD)) will recommend all-fully qualified officer lists to the Secretary of the Army when directed by the Secretary of the Army using the following procedures:

(1) U.S. Army Human Resources Command (HRC) will announce the promotion zones no less than 30 days before the files will be screened for the Army competitive category and competitive categories within AMEDD.

(2) Promotion screening authorities will review the service records of eligible 1LTs to consider the officers for promotion to the grade of CPT. Promotion screening authorities will place the names of officers in the promotion zone on a recommended all-fully qualified officers list.

(3) Promotion screening authorities will certify by memorandum that the officers on the recommended all-fully qualified officers list:

- Are fully qualified for promotion to the grade of CPT
- Are fully qualified for promotion to the grade of CPT
- Are needed in the next higher grade to meet mission requirements

(4) The certification memorandums and recommended all-fully qualified officers list will be forwarded to the Director of Military Personnel Management (DMPM) for processing. The Secretary of the Army may approve the all-fully qualified officers list and forward the list for approval by the President or the President's designee or return the list to the promotion screening authority for corrective action.

(5) Following approval by the President or the President's designee, HRC will publish the all-fully qualified officers.

b. Chapter 6 (Special Selection Boards (SSB)).

(1) SSBs may be convened under Title 10 (Armed Forces), U.S. Code, section 628 (SSB) to consider or reconsider commissioned or warrant officers for promotion when HQDA determines that one or more of the following circumstances exist: administrative error or material unfairness.

(2) An SSB will consider the record of the officer as it should have been considered by the original board. The record will be compared with a sampling of those officers of the same competitive category, who were recommended and not recommended for promotion by the original selection board.

(3) Officers selected for promotion by an SSB will, as soon as practicable, be appointed to that grade. When appointed to the next higher grade as the result of the recommendation of an SSB, the officer will have the same date of grade, the same effective date for the pay and allowances of that grade, and the same position on the ADL as the officer would have had if he or she had been recommended for promotion to that grade by the board which should have considered, or which did initially consider, him or her.

//NOTHING FOLLOWS//