

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 May 2024

DOCKET NUMBER: AR20230010696

APPLICANT REQUESTS: in effect –

- backpay and allowances based on her promotion to chief warrant officer three (CW3)/W-3 effective 18 October 2022
- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 1 March 2023 to show her rank/grade as CW3/W-3

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 1 March 2023
- Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES), 1-31 March 2023
- Orders Number 0004192981.00, 12 March 2023

FACTS:

1. The applicant states she was up for promotion during the end of her active duty service; the promotion orders were published 11 days after separation and backdated to October 2022. DFAS and Fort Irwin pay both say the other entity is responsible for the correction and backpay.

2. A review of the applicant's official records show the following:

a. Having prior enlisted service in the U.S. Army Reserve (USAR), DA Form 71 (Oath of Office – Military Personnel) shows she was appointed as a Reserve warrant officer and executed her oath of office on 2 April 2014.

b. On 16 November 2017, the U.S. Army Human Resources Command (AHRC) published Orders Number B-11-707493, which promoted the applicant to the rank/grade of CW2/W-2, effective on with a date of rank (DOR) of 15 July 2017. AHRC amended the effective date and DOR to 2 April 2016 on 30 August 2022 by way of Orders Number B-11-707493A01.

c. On 3 September 2019, the applicant entered active duty.

d. On 1 March 2023, she was honorably released from active duty and was transferred to the USAR Control Group (Reinforcement). Her DD Form 214 shows in:

- item 4a (Grade, Rate or Rank) – CW2
- item 12a (Date Entered Active Duty this Period) – 3 September 2019
- item 12c (Net Active Service this Period) – 3 years, 5 months, and 29 days
- item 12i (Effective Date of Pay Grade) – 2 April 2016

d. On 12 March 2023, the Department of the Army published Orders Number 0004192981.00, which promoted the applicant to rank/grade of CW3/W-3 effective 18 October 2022.

3. The applicant provides a DFAS LES covering the period of 1-31 March 2023, which shows her pay grade as W2 with 13 years of service.

4. On 27 December 2023, the AHRC, Chief, Officer Promotions Board Announcements, Support and Promotion Orders, provided an advisory opinion for this case and found the applicant's case has merit. The advisory official stated:

a. Based on a review of the information provided, their records, laws, regulations, policies, and the systems available to AHRC Officer Promotions, his office found that the applicant's request did have merit.

b. At the time in which the applicant's promotion orders would have normally been processed by his office, AHRC and the Army as a whole were at a standstill (phrased as the IPPS-A Brown Out Period) due to the implementation and subsequent operational delay of the Army's Integrated Personnel and Pay System-Army (IPPS-A); during this period AHRC promotion orders could not be produced. Therefore, once IPPS-A was operational we were obligated to complete the earlier (backdated) promotion orders that were to be published during this period.

c. The Army's IPPS-A was updated to correct her authorized Grade/Rank as it should have been effective 18 October 2022 during this time. Therefore, in fairness she is entitled to receive any back pay entitlements for this period up until her placement into the Individual Ready Reserve (unless proven otherwise ineligible).

5. On 4 January 2024, the applicant was provided a copy of the AHRC advisory opinion to allow comments or rebuttal. She 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 warranted.
2. The Board noted the advisory official's description of the reason for the delay in publishing her promotion order and concurred with the conclusion that the evidence supports relief. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show she was authorized pay and allowances in the rank/grade of CW3/W-3 effective 18 October 2022 and her DD Form 214 for the period ending 1 March 2023 should be corrected to reflect her promotion.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 records of the individual concerned be corrected to show she was authorized pay and allowances in the rank/grade of CW3/W-3 effective 18 October 2022 with payment of any additional pay and allowances she is owed and by correcting her DD Form 214 for the period ending 1 March 2023 to reflect the following entries:

- block 4a – CW3
- block 4b – W03
- block 12i – 2022 10 18

9/20/2024

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. Title 10, United States Code, section 1552 states the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.
2. Army Regulation 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. The instructions for:
 - a. Block 4a/b (Grade, Rate, or Rank)/(Pay Grade) states to verify that active duty grade or rank and pay grade are accurate at time of separation.

b. Block 12i (Effective Date of Pay Grade) state, from the most recent promotion document (or reduction instrument), enter the effective date of promotion or reduction to the current pay grade. Do not confuse with date of rank.

//NOTHING FOLLOWS//