

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 May 2024

DOCKET NUMBER: AR20230010803

APPLICANT REQUESTS: correction of his date of rank (DOR) for captain (CPT)/O-3.

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

- DD Form 149 (Application for Correction of Military Record)
- Email correspondence
- [REDACTED] Army National Guard ([REDACTED] ARNG) Promotion Orders, 28 March 2023

FACTS:

1. The applicant states, in pertinent part, his promotion packet processing was delayed, costing him thousands of dollars in pay while overseas. He submitted his promotion packet to the Battalion S-1 on 21 April 2022, and it was submitted to the brigade the same day. He was promoted to CPT in March 2023, 11 months later. However, his promotion was backdated to 10 February 2023. The ARNG timeline depicts a 155-day process following the state's unit vacancy promotion release. Although he is unaware of when the state released his packet, the entire process took months longer than policy outlines, which equates to a large financial loss while deployed. He believes the delay in promotion was a result of full time National Guard personnel working abbreviated workdays, and not being held accountable to perform their duties in timely manner.

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

a. Having prior enlisted service with [REDACTED] Army National Guard ([REDACTED] ARNG), on 19 September 2018, the State [REDACTED], Adjutant General's Department issued Orders Number 262-904 appointing him as a commissioned officer in the ARNG at the rank/grade of second lieutenant (2LT)/O-1 with a retroactive effective date of 3 August 2018.

b. On 1 February 2019 the National Guard Bureau (NGB) issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army at the rank/grade of 2LT/O-1, effective 3 August 2018.

c. On 22 January 2021, the NGB issued Special Orders Number 16 extending Federal Recognition (FEDREC) and promoting him to the rank/grade of first lieutenant (1LT)/O-2, effective on with a DOR of 11 June 2020.

d. On 28 February 2023, the NGB issued Special Orders Number 77 extending FEDREC and promoting him to the rank/grade of CPT/O-3, effective on with a DOR of 10 February 2023.

e. He continues service with the [REDACTED] ARNG.

3. The applicant provides email correspondence, dated 21 April 2022 with the unit human resources sergeant confirming receipt of his promotion packet submission.

4. On 16 February 2024, the NGB, Chief, Special Actions Branch provided an advisory opinion recommending approval of the applicant's request stating in effect:

a. The applicant requests that his DOR and effective date of promotion be adjusted due to length of time in the FEDREC process at the ARNG Bureau.

b. He claims his promotion packet was delayed at the NGB within the FEDREC process for an excessive amount of time due to personnel issues. A review conducted by this office concluded that during this period there were multiple delays with promotion packets due to the transitioning of eTracker and IPPS-A. These administrative errors eventually delayed his promotion in the Unit Vacancy Process (UVP).

c. Title 10, section 14308(f) (Effective date of promotion after Federal Recognition), states the effective date of a promotion of a Reserve commissioned officer of the Army or the Air Force who is extended FEDREC in the next higher grade in the ARNG or the Air National Guard under section 307 or 310 of Title 32 shall be the date on which such FEDREC in that grade is so extended.

d. National Guard Regulation (NGR) 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions) provides procedures for processing applications for Federal Recognition. Paragraph 10-15b states that temporary Federal Recognition may be granted by an Federal Recognition Board (FRB) to those eligible when the board finds that the member has successfully passed the examination prescribed herein, has subscribed to the oath of office, and has been appointed by a state order for assignment to a position vacancy in a federally recognized unit of the ARNG. The FRB will forward the NGB Form 89 and allied documents to The Adjutant General. When the member is favorably recommended, The Adjutant General will endorse the packet to the NGB. If the member meets the qualifications and requirements for FEDREC, the Chief, NGB extends permanent FEDREC to the member in the grade and branch in which the member is qualified.

e. A review of the applicant's Army Board for Correction of Military Records claim by this office concluded that there were delays at the state level and NGB due to the transitioning of eTracker and IPPS-A that were no fault of the applicants. The Ohio ARNG and the FEDREC office agreed with his timeline and concluded that his DOR should be adjusted to 13 December 2022. The time frame for assignment of a scroll is approximately two to three weeks and the processing time for scroll to be completed is approximately seven to eight months.

f. The opinion was coordinated with the ARNG FEDREC section, and [REDACTED] Army National Guard.

5. On 22 February 2024, the applicant was provided a copy of the advisory opinion and provided an opportunity to respond.

6. On 25 February 2024, he provided a response to the advisory opinion agreeing with their recommendation with no additional feedback.

#### 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 concurred with the conclusion of the advisory official that there were delays in the processing of the applicant's promotion to CPT/O-3 that caused him to have a DOR that was later than it would have been under ideal processing timelines. The Board also concurred with the relief proposed by the advisory official. Based on a preponderance of the evidence, the Board determined the applicant's effective DOR for CPT/O-3 should be changed to 13 December 2022 and he should receive any additional pay and allowances he is due as a result of this correction.

#### 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 and Army National Guard records of the individual concerned be corrected to show his effective date of rank for CPT.O-3 is 13 December 2022. He should receive any additional pay and allowances he is due as a result of this correction.

9/20/2024

X

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 135-155 (Promotion of Commissioned Officers and Warrant Officers), paragraph 3-3a(2)(b), provides that unit officers selected by a mandatory board will have a promotion date and effective date no earlier than the date the board is approved or the date of Senate confirmation, if required, provided they are assigned to a position in the higher grade. When the board approval or, if required, Senate confirmation is before assignment to the position in the higher grade, the effective date and the date of promotion will be the date of assignment to the higher graded position.
2. Title 10, USC, section 14308(f) (Effective date of promotion after Federal Recognition), states the effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended FEDREC in the next higher grade in the ARNG or the Air National Guard under section 307 or 310 of Title 32 shall be the date on which such FEDREC in that grade is so extended.
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.

4. The ABCMR may correct an officer's DOR/effective DOR when a proper appointment has already occurred. Title 10 USC 624 and 741 provide for situations in which properly appointed officers are provided "backdated" DOR and effective dates to remedy errors or inequities affecting their promotion. The authority to remedy these errors or inequities is given to the Service Secretaries.

//NOTHING FOLLOWS//