

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2025

DOCKET NUMBER: AR20230010902

APPLICANT REQUESTS: correction of his records to be paid as an O2E (First Lieutenant (1LT) with between 2 and 4 years of enlisted service) as opposed to O2.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 011-089 Promotion to 1LT
- Leave and Earning Statement (LES)
- DA Form 5016 (Retirement Accounting Statement)
- Order 0005535715.00 Retirement Orders

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states since transferring to the U.S. Army Reserve (USAR) from the Army National Guard (ARNG), he has been paid as an O2 versus an O2E. He attempted to work with the Reserve Personnel Action Center (RPAC) to resolve the issue and was told there was not adequate time to rectify his concern. He was informed that he should submit a request after he received his retirement orders. He was not paid correctly for approximately three years and his retirement orders show his grade as O2, which is incorrect. This will affect his retirement pay. He is also owed pay by the Army. He served on active duty for 10 years as an enlisted Soldier and in the ARNG for five years prior to receiving his direct commission. He sent many emails and utilized his personnel, RPAC, and chain of command without ever receiving resolution for what should have been something easy to fix.
3. The applicant provides an LES, 18 November 2022, which shows he was paid as a O2 with 20 years of service.
4. The applicant's service record contains the following documents:

- a. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was enlisted in the U. S. Air Force from 2 July 2002 through 9 June 2012.
- b. DD Form 368 (Request for Conditional Release), 24 March 2016 shows he was requesting to be released from the Air National Guard for appointment or enlistment in the Army National Guard (ARNG).
- c. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the ARNG on 18 May 2017.
- d. DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve Commissioned Officer on 23 May 2017.
- e. Orders 144-011, published by Headquarters, Iowa National Guard, 24 May 2017 appointed him in the ARNG in the rank of O1E (Second Lieutenant).
- f. Order 011-089, published by Camp Dodge Joint Maneuver Training Center, 11 January 2019, promoted him to the rank of 1LT/O2E effective 23 November 2018.
- g. NGB For 22 (National Guard Report of Separation and Record of Service) shows he was discharged from the ARNG on 2 April 2020, in the rank of 1LT/O2 upon becoming a member of the USAR.
- h. DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve Commissioned Officer on 3 April 2020.
- i. Memorandum Notification of Eligibility for Retired pay at Non-Regular Retirement (20 Year Letter), 3 May 2023, states he has completed the required years of qualifying Reserve service and is eligible for retired pay, upon application, at age 60.
- j. Orders 0007559183.00, 13 March 2024, transferred him to the USAR Retired Reserve in the rank of 1LT effective 31 July 2023.

5. On 2 April 2024, the Chief, Reserve Components Officer Promotions Board Announcements, Support and Promotions Orders, U.S. Army Human Resources Command (AHRC), provided an advisory opinion, which states:

- a. Based on a review of the documents received, AHRC current records, laws, regulations, policies information, and the systems available to AHRC Officer Promotions Branch, they find that their office may not be able to complete any actions request within the inquiry of opinion in part.

b. Unfortunately, AHRC is limited to what action can be taken given the applicant's retired status. Promotion orders before the implementation of Integrated Personnel and Pay System - Army (IPPS-A) does not, did not, or many have reflected an "E" behind the pay grade, therefore it may be a forgone conclusion.

c. The applicant was promoted to 1LT by the ARNG in November 2018. He later transferred to the USAR and subsequently to the Retired Reserves as a 1LT. AHRC does not have access to the ARNG's pay systems or authorization to adjust or effect the rank or pay of any of its members, past, current, or future.

d. AHRC can attempt to update IPPS-A based on the orders produced by the ARNG and/or his job data and salary plan but cannot guarantee it will work. If it does work, it will only produce a transaction to the Defense Finance and Accounting Service (DFAS); it will not produce an order. If it does not work a Customer Relationship Management request may be required by DFAS.

6. On 28 June 2024, the Program Analyst, Compensation and Entitlements Division, Office of the Deputy Chief of Staff, G1, states after careful review G1 recommends that the Board approve the applicant's request for administrative relief to be paid as an O1E and O2E. The DoD FMR, Volume 7a, Chapter 2, paragraph 2.3.1.1 allows the applicant's enlisted time to be credited and therefore is entitled to the special rate of pay and allowances for pay grade O1E and O2E. Moreover, Army Regulation 637-1 (Army Compensation and Entitlements Policy) chapters 2 and 3 establish the guidance for a member to get service dates by obtaining a DA Form 1506 (Statement of Service For Computation of Length of Service for Pay Purposes. The applicant's DA Form 1506 is enclosed.

7. On 3 July 2024, the advisory opinions were provided to the applicant to allow him the opportunity to respond. On the same day, he responded stating he was unable to access the document and from everything he sees it appears the recommendation would be to correct his rank and pay. He definitely does not object to correction of his service rates, rank, and receiving pay for the periods where his rank was incorrect.

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, his record of military service, the supporting documents he provided the rank reflected upon his orders transferring his to the Retired Reserve. The Board considered the review and conclusions of the Program Analyst, Compensation and Entitlements Division, Office of the Deputy Chief of Staff, G1. Based on a preponderance of evidence the Board determined that the

applicant's record should be corrected to reflect his entitlement of the special rate of pay and allowances for pay grade O2E between 20200702 and 20230731 and that his HQDA Voluntary Retirement Orders (118292144) dated 31 Jul 2023 reflect Retired Grade as O2E.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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 Army records of the individual concerned be corrected by:

- Amending his pay records to reflect entitlement of the special rate of pay and allowances for pay grade O2E between 20200702 and 20230731
- amending HQDA Voluntary Retirement Orders (118292144) dated 31 Jul 2023 to show:
 - Retired Rank: 1LT
 - Retired Grade (for pay): O2E

[Redacted Signature]

[Redacted Name]

[Redacted Title]

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, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. DOD Pay Regulation, Volume 7A (Active Duty & Reserve Pay), Chapter 1 (Creditable Service), contains information about the following subjects: Service Which Is Creditable, Service Not Creditable, Active Enlisted and/or Warrant Officer Service for Members in Basic Pay Grades O-1E, O-2E, or O-3E, and computations of creditable service. It states:

a. Section 010103 states commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., active duty for training in enlisted or warrant officer status, annual Reserve training duty, and full-time National Guard duty). Service on active duty or active duty for training for at least 4 years and 1 day satisfies the over 4 years of service requirement under this section.

b. Section 010103A (2) (Creditable Prior Enlisted Service) states effective 20 May 1958, commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

c. Section 010104 (Computation of creditable service) states all basic pay date computations start from the date of the member's most recent entry on duty without a break in service. For officers, it is the date of acceptance of a commission.

//NOTHING FOLLOWS//