

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 July 2024

DOCKET NUMBER: AR20230013213

APPLICANT REQUESTS: adjustment of her date of rank (DOR) for colonel (COL)/O-6 in the U.S. Army Reserve to reflect 30 September 2023 vice 25 March 2024.

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

- DD Form 149 (Application for Correction of Military Record)
- Corrected Fiscal Year (FY) 2022, Active Component (AC), COL Medical Corps (MC) and Dental Corps (DC), Promotion Selection Board (PSB) Results, 24 March 2022
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 30 June 2022
- Memorandum – Subject: Appointment as a Reserve Officer of the Army Under Title 10, U.S.C. 12201 and 12203, 1 July 2022
- Orders Number 3740031.01, 30 March 2023
- Orders Number 4349022.01, 31 March 2023

FACTS:

1. The applicant states in pertinent part that she was selected for promotion to COL in FY22 while serving in the Active Component. She notes that she had a promotion sequence number of 91 with a projected DOR of 30 September 2023. Following her submission of an unqualified resignation on 30 June 2022, she was transferred into an O-4 billet within the U.S. Army Reserve (USAR). She contests that during this period she understood that she would be promoted on 30 September 2023. However, after repeatedly reaching out to support personnel, the U.S. Army Human Resources Command (AHRC) advised an interservice transfer of the promotion scroll would need to be processed. This action was initiated on 20 September 2023 with a proposed 60–90-day processing timeline. The applicant further argues that this process should have been initiated upon her transfer into the USAR to prevent a delay of her promotion, but the Reserve Transition Officer and other involved administrative personnel were not aware of the AC promotion not carrying over into the USAR.

2. A review of the applicant's available personnel records reflects the following:

- a. On 14 May 2002, the applicant was appointed a Reserve commission.
- b. On 20 May 2006, the applicant was ordered to active duty to serve as a 61R (Diagnostic Radiologist).
- c. On 30 September 2017, the applicant was promoted to the rank/grade of lieutenant colonel (LTC)/O-5.
- d. On 25 January 2022, the Installation Management Command issued Orders Number 025-0020 releasing the applicant from active duty and transferring her into the USAR Control Group (Reinforcement), effective 30 June 2022. This order was subsequently amended (Orders Number 119-0002) to reflect her transfer into a Troop Program Unit (7453rd U.S. Army Medical Battalion).
- e. On 31 March 2023, AHRC issued Orders Number 4349022.01 attaching the applicant to the Army Medical Department Professional Management Command (APMC), effective 2 July 2022.
- f. On 23 May 2024, AHRC issued Orders Number 8224141 announcing the applicant's promotion to the rank/grade of COL/O-6, effective on with a DOR of 25 March 2024.

3. The applicant provides the following a:

- a. Corrected FY 2022, AC, COL Medical Corps and Dental Corps, Promotion Selection Board Results dated 24 March 2022, reflective of the applicant being selected for promotion with a sequence number of 91.
- b. Memorandum – Subject: Appointment as a Reserve Officer of the Army Under Title 10, U.S.C. 12201 and 12203, 1 July 2022, reflective of the applicant being appointed a Reserve commission at the rank of LTC.
- c. Orders Number 3740031.01 dated 30 March 2023, reflective of Orders Number 3740031 being revoked. The previous order assigned the applicant to the 7453rd USAR Medical Operations Readiness Unit.

4. On 27 February 2024, Headquarters, U.S. Army Reserve Command, Chief, Military Personnel Division provided an advisory opinion recommending approval of the applicant's request.

- a. References: (a) applicant's request, (b) AR 135-155, Promotion of Commissioned Officers and Warrant Officers, 13 December 2022; and (c) Title 10 USC 14317: Officers in transition to and from the active-status list or active-duty list.

b. The applicant was selected by the FY22 COL Medical Corps and Dental Corps Promotion Selection Board which was released on March 24, 2022. The Senate confirmed her nomination on June 23, 2022. She was release from the Regular Army on June 30, 2022, and was appointed in the Reserve Component (RC) on July 1, 2022. The request for transfer from the Active-duty list (ADL) to the Reserve active status list (RASL) wasn't submitted when she transitioned into the RC. The request from transfer from ADL to RASL scroll was submitted by US Army Human Resources Command to the Department of the Army G-1 on September 20, 2023.

b. In accordance with reference 1(c), an officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

c. In accordance with reference b, paragraph 3-29b(2), a commissioned officer in the grades of 1LT through LTC on the ADL, and who is on an approved promotion list but is removed from the ADL and placed on the RASL in the same competitive category, will be placed on an appropriate RASL promotion list. The effective date of promotion and DOR will be the same as if the officer had been selected to the grade concerned by the RASL promotion board.

5. On 1 March 2024, the applicant was provided with an advisory opinion and afforded 15 days to provide comments. As of 10 July 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant was selected for promotion to COL by the FY22 COL MC and DC PSB which was released on 24 March 2022. The Senate confirmed her nomination on 23 June 2022. She was released from the Regular Army on 30 June 2022, and was appointed in the Reserve Component (RC) on 1 July 2022. The request for transfer from the Active-Duty List (ADL) to the Reserve Active Status List (RASL) was not submitted when she transitioned into the RC. The request to transfer from the ADL to RASL scroll was submitted by AHRC to the Army G-1 on 20 September 2023. The delay led to her transition as LTC. The Board agreed with the advisory officials' finding that a commissioned officer who is on an approved promotion list but is removed from the ADL and placed on the RASL in the same competitive category, will be placed

on an appropriate RASL promotion list. The effective date of promotion and DOR will be the same as if the officer had been selected to the grade concerned by the RASL promotion board. Therefore, the Board determined the applicant's effective date of promotion and DOR should be adjusted from 25 March 2024 to 30 September 2023.

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 the Army records of the individual concerned be corrected by amending Orders 0008224141.00, issued on 23 May 2024, to show

- Effective Date: 30 September 2023
- Rank: COL Rank Entry Date: 30 September 2023

█

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. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers) paragraph 3-29 (Officers in Transition To and From the Reserve Active Status List (RASL) or Active Duty List (ADL)) in effect, provides that a commissioned officer in the grades of first lieutenant (1LT) through lieutenant colonel (LTC) on the ADL, and who is on an approved promotion list but is removed from the ADL and placed on the RASL in the same competitive category, will be placed on an appropriate RASL promotion list. The effective date of promotion and date of rank (DOR) will be the same as if the officer had been selected to the grade concerned by the RASL promotion board.

2. Title 10, USC, 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.

//NOTHING FOLLOWS//