

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20230014055

APPLICANT REQUESTS: in effect, adjustment of her effective date of rank (DOR) and time in grade (TIG) for lieutenant colonel (LTC) and associated back pay and allowances

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

- DD Form 149 (Application for Correction of Military Record)
- Promotion to major (MAJ)
- Federal Recognition to MAJ
- Reassignment Orders
- Eligibility for Promotion to LTC
- Assignment Orders
- Email Communication with National Guard Bureau (NGB)
- National Guard Bureau (NGB) Promotion to LTC
- Federal Recognition to LTC
- South Carolina Army National Guard (SCARNG) Promotion Order to LTC
- Email Communication with NGB DOR Correction
- Email Communication with State
- LTC DOR Correction
- Personnel Action Requests

FACTS:

1. The applicant states:

a. The errors and injustice needing correction are her time in grade (TIG) and back pay as a LTC. It is her understanding the date of TIG as LTC with back pay impacts her plans for retirement and entitlements.

b. Had her DOR to LTC been adjusted in July 2017, or soon after, due to maximum TIG from MAJ to LTC, she would have been paid as a LTC while performing duties of a LTC.

c. She was Department of the Army (DA) selected for promotion to the rank of LTC on 28 March 2017. She was assigned to a LTC position on 1 June 2018; however, her request for promotion, due to maximum TIG, was initiated but not processed until April 2023. A Title 10 Army Guard Reserve voucher, at the rank and pay grade of LTC, was associated with her assigned position.

2. The applicant provides an email to NGB, 23 March 2022, wherein the applicant asks "her promotion eligibility date to LTC is 2 June 2017, will that be her DOR to LTC?" NGB responded stating her promotion date will be the date of her permanent change of station. TIG for promotion will be 2 June 2017.

3. The applicant's service record contains the following documents:

a. She took the oath of office in the SCARNG on 31 July 1999. On 15 July 2010, she was given Federal Recognition for promotion to MAJ with an effective date of 15 July 2010. On 15 July 2010, she was notified by NGB of her promotion to MAJ effective 15 July 2010 and her TIG date for promotion to LTC was 15 July 2010.

b. On 20 June 2017, she was notified she was selected for promotion to LTC. The effective date of promotion would be 2 June 2017, the date Federal Recognition is extended in the higher grade, or the date following the date Federal Recognition is terminated in current Reserve grade. On 31 August 2022, she received Federal Recognition for promotion to LTC with an effective date of 1 June 2022.

c. On 21 April 2023, she received Federal Recognition of a DOR change for promotion to LTC from 1 June 2022 to 14 July 2017. They did not change her effective DOR for pay purposes. On 28 February 2025, she was honorably transferred to U.S. Army Reserve Group (Retired) in the rank of LTC.

4. On 31 October 2024, the Chief, Special Actions Branch, NGB, provided an advisory opinion, which states in pertinent part NGB, recommended approval of the applicant's request. She was DA selected for promotion to LTC on 28 March 2017 but not promoted until 1 June 2022. It was determined she met maximum TIG as a MAJ at seven years and fulfilled the requirements to be promoted to LTC on 14 July 2017. Her DOR was amended; however her DOR for pay and allowances was not amended. Her DOR and effective DOR should be 14 July 2017 when she met the maximum TIG as a MAJ and met all requirements to be a LTC.

5. On 14 November 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She did not respond.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the National Guard Bureau- Special Actions Branch advisory opinion, the Board concurred with the NGB advisory noting it was determined she met maximum TIG as a MAJ at seven years and fulfilled the requirements to be promoted to LTC on 14 July 2017. Her DOR was amended; however, her DOR for pay and allowances was not amended. Therefore, the Board granted relief to adjust her TIG and DOR for pay and allowances.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 by issuing the applicant a Special Order extending her Federal recognition for promotion to LTC with an effective date and date of rank as 14 July 2017 with entitlement to applicable back pay and allowances, if applicable, as a result of this correction.

X //SIGNED//

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. Title 10 United States Code (USC), section 14308 (Promotions: how made), states:

a. (Promotion List), when the report of a selection board convened is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active status list or based on particular merit, as determined by the promotion board. A promotion list is considered to be established as of the date of the approval of the report of the selection board under the preceding sentence.

b. (Army Reserve and Air Force Reserve Promotions To Fill Vacancies):

(1) An officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

(2) An officer in a grade below colonel in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy

promotion board convened may be promoted at any time to fill the vacancy for which the officer was selected.

c. (Effective Date of Promotion After Federal Recognition):

(1) The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard shall be the date on which such Federal recognition in that grade is so extended.

(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100-days from the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer: (A) in the event of State promotion with an effective date before 1 January 2024, the effective date of the promotion concerned may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and (B) in the event of State promotion with an effective date on or after 1 January 2024, the effective date of the promotion concerned shall be adjusted by the Secretary concerned to the later of: (i) the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and (ii) the date on which the officer occupies a billet in the next higher grade.

2. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions), prescribes policies and procedures governing the appointment, assignment, temporary Federal recognition, Federal recognition of commissioned officer of the Army National Guard (ARNG).

a. Paragraph 3-5 (Categories requiring Federal Recognition Board action), FRB action is required for the following:

- Initial appointment
- Reappointment
- Appointment of USAR officers in the same grade but in new branch, except Second Lieutenants that have not completed a basic officer course or its equivalent
- Transfer of ARNG officers between States in a new branch, except 2LTs who have not completed a basic officer course or its equivalent
- Promotion
- Branch Transfer

- Personal or electronic appearance is mandatory for the following:
 - Direct
 - OCS
 - Non-recommendation by previous FRB

b. Paragraph 8-1 (Promotions for other than general officers):

(1) The promotion of officers in the ARNG is a function of the State. As in original appointments, a commissioned officer promoted by State authorities has a State status in the higher grade under which to function. However, to be extended Federal Recognition in the higher grade, the officer must have satisfied the requirements prescribed herein.

(2) National Guard officers may be considered and found qualified for Federal Recognition of their State promotion using two distinct processes: State Federal Recognition Boards and DA Mandatory Boards. Under either process, the precedent for an actual promotion in the Army National Guard is State assignment and appointment to the next higher grade. (1) State Federal Recognition Boards (FRB). Officers may be federally recognized through State FRB which are often referred to as "State vacancy promotion boards" or "unit vacancy boards" as part the Unit Vacancy Promotion (UVP) process. (2) DA Mandatory Boards. The second way to federally recognize the State promotion is through the DA Mandatory Promotion Selection Boards process. Mandatory promotion selection boards are convened by the Secretary of the Army. Those National Guard officers selected ("DA Select") by a DA mandatory board who are then appointed by the State in that higher grade to fill a vacancy in the Army National Guard are extended Federal Recognition in that grade.

c. Paragraph 8-3 (Promotion as a Reserve Commissioned Officer of the Army), a commissioned officer who has been promoted by the State and extended Federal Recognition in the higher grade will be concurrently promoted to the higher grade in the Reserves of the Army with assignment to the ARNGUS. a. An officer's effective date and DOR as a Reserve of the Army will be determined by their duty status, type of selection board which selected the officer, and delay status (if applicable), and will be as defined below, unless otherwise provided by law. CNGB will extend Federal Recognition in the higher grade to an ARNG commissioned officer using NGB Form 0122E series orders (NGB Special Federal Recognition Orders).

(1) The Effective Date determines the officer Federal pay and allowances in the next higher grade. The Effective Date is determined when CNGB in conjunction with the Secretary of Defense (SECDEF) approval or the Senate confirmation date (COLs only). The Effective Date is displayed as the "A" Date on the Promotion as a Reserve Commissioned Officer of the Army Memorandum for Commissioned Officers.

(2) The DOR is the date the Officer actually or constructively was appointed or promoted to a specific grade.

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.

//NOTHING FOLLOWS//