

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 September 2024

DOCKET NUMBER: AR20230015220

APPLICANT REQUESTS: adjustment of her date of rank to chief warrant officer three (CW3) from 9 June 2023 to 1 September 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Special Orders Number 39, 1 March 2016
- Puerto Rico Army National Guard (PRARNG) Orders 277-546, 4 October 2017
- DA Form 1059 (Service School Academic Evaluation Report), 24 July 2018
- NGB memorandum, dated 4 June 2019, subject: Modification of National Guard Regulation (NGR) 600-101 (Warrant Officers Federal Recognition and Related Personnel Actions), chapter 7, Table 7-1 (Minimum Time in Grade (TIG) for Promotion Eligibility) Personnel Policy Operational Memorandum (PPOM) 19-029
- PRARNG Orders 0000958164.00, 28 January 2021
- PRARNG Orders 0001377677.00, 8 September 2021
- NGB Special Orders Number 213 AR, 0 June 2023
- Unit Manning Report

FACTS:

1. The applicant states the reason for her request is that she was fully qualified, eligible, and in full compliance with all requirements for promotion in accordance with NGR 600-101, chapter 7, Table 7-1. She was promoted to CW2 on 1 September 2015 and completed the Warrant Officer Advance Course on 25 July 2018. At the time to meet the TIG in grade minimum criteria on 1 September 2019, she was occupying a CW3 position. She is still occupying a CW3 position. The NGB memorandum dated 4 June 2019 states in paragraph 5b that the minimum TIG for promotion eligibility to CW3 is 4 years. She was finally promoted to CW3 on 9 June 2023.

2. The applicant was appointed as warrant officer one in the PRARNG effective 1 September 2013.

3. On 1 March 2016, the NGB published Special Orders Number 39 extending the applicant federal recognition in the rank of CW2 effective 1 September 2015 (date of rank 1 September 2015).

4. PRARNG Orders 277-546, dated 4 October 2017, directed her assignment to duty position Information Service Technician.

5. A DA Form 1059 shows the applicant successfully completed the Information Service Technician Warrant Officer Advance Course on 25 July 2018.

6. On 4 June 2019, the NGB published a memorandum, subject: Modification of NGR 600-101, chapter 7, Table 7-1, PPOM 19-029, removing the note relating to Chapter 7, Table 7-1, that warrant officers in grade positions coded higher than their current grade may be considered for promotion one year earlier. Effective the date of the memorandum, the minimum TIG for promotion eligibility from CW2 to CW3 was established as four (4) years.

7. On 20 June 2023, the NGB published Special Orders Number 213 AR extending the applicant federal recognition in the rank of CW3 effective 9 June 2023 (date of rank 9 June 2023).

8. During the processing of this case, an advisory opinion was obtained from the NGB, Special Actions Branch. The advisory official reiterated the applicant's request that her date of rank (DOR) and effective date of promotion be adjusted. The NGB recommends disapproval. The advisory official states:

a. The applicant requests that her date of rank and effective date of promotion be adjusted from 9 June 2023 to 1 September 2019 due to her educational qualifications and TIG eligibility based on her promotion to CW2 on 1 September 2015.

b. NGR 600-101, dated October 2018, states that the minimum TIG for a CW2 for promotion to CW3 is five years, which can be lessened to four years TIG if the Soldier is assigned to a position which he or she is coded higher than their current grade. Additionally, the Soldier is eligible to attend and complete the Warrant Officer Advance Course with two years TIG as a CW2 to be promoted to the next higher grade when eligible.

c. Per NGR 600-101, to be extended federal recognition in the next higher grade, warrant officers must satisfy the requirements prescribed in the regulation and the President of the United States (POTUS), or the Secretary of Defense acting on behalf of the POTUS, must first approved the promotion as a Reserve Officer of the Army through the scrolling process.

d. NGR 600-100 (Commissioned Officers - Federal Recognition and Related Personnel Actions) provides procedures for processing applications for federal recognition. Paragraph 10-14b states that temporary federal recognition may be granted by a 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 (Procedures of a federal recognition Examining Board) 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 federal recognition, the Chief, NGB extends permanent federal recognition to the member in the grade and branch in which the member is qualified.

e. A review of the Soldier's ABCMR application by this office, the PRARNG, and the federal Recognition Branch showed that the applicant's argument does not hold any merit as her promotion to CW3 is not automatic based on when she was assigned to a higher position and met the minimum TIG requirements. Additionally, all ARNG warrant officers can be promoted up to CW4 on a CW2 graded position therefore, her argument of being assigned to CW3 position is not a valid point. (2) The only automatic promotion in accordance with Title 32, U.S. Code, section 310 is from warrant officer one to CW2 and from second lieutenant to first lieutenant. Although these are automatic, they still require the commanders' recommendation, and the automatic merely means once the commander recommends, then their date of rank will be when they hit eligibility date. As it stands, this claim has no merit unless the PRARNG can produce paperwork showing that the commander recommended her back in 2019 and there was a federal recognition board convened and produced an NGB Form 89.

f. After further review and discussions with the ARNG federal recognition section and the PRARNG, it is the conclusion of this office that the applicant was eligible for promotion to the next higher, but not recommended until 16 February 2023 per recommendation memorandum provided by the PRARNG, and NGB Form 89, and therefore the recommendation is that the applicant's request be disapproved. Her federal recognition was processed within the standard timeline once received on 9 March 2023.

g. The opinion of this office was coordinated with the PRARNG and the ARNG Federal Recognition Section.

9. The advisory opinion was provided to the applicant and given the opportunity to provided additional evidence or comments. No response was received.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendation in the NGB advisory opinion, and the lack of any rebuttal submitted by the applicant of those findings and recommendations, the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant's record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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. National Guard Regulation 600-101 (Warrant Officers Federal Recognition and Related Personnel Actions) establishes policies and procedures for Army National Guard (ARNG) warrant officer personnel management and states in:

a. Paragraph 2-1, per the Constitution of the United States, Section 8, Article 1, Warrant Officers of the ARNG are appointed by the States, and are federally recognized through the Chief, National Guard Bureau. Appointments in the grade of CW2 or higher are made by commission by the President of the United States (POTUS) in permanent Reserve Warrant Officer grades in the same manner as prescribed for Regular Warrant Officer grades.

b. Paragraph 2-2, federal recognition is the process that ensures officers appointed by individual States meet the qualifications required for service in the Federal Armed Forces. Prior to extending federal recognition, POTUS, or the Secretary of Defense acting on behalf of the POTUS, must first approve the Reserve Warrant Officer of the Army appointment. When the State appointment is federally recognized, an ARNG Warrant Officer is concurrently appointed as a Reserve Warrant Officer of the Army.

2. National Guard Regulation 600-100 (Commissioned Officers - Federal Recognition and Related Personnel Actions) provides procedures for processing all applications for federal recognition, waivers, and requirements for appointment. Paragraph 10-14b states temporary federal recognition may be granted by the Federal recognition Board to those eligible when the board finds that the applicant 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 valid position in a federally recognized unit of the ARNG.

//NOTHING FOLLOWS//