

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 October 2024

DOCKET NUMBER: AR20230015222

APPLICANT REQUESTS:

- reconsideration of his request for adjustment of his date of rank (DOR) for promotion to captain (CPT)/O-3
- subsequent readjustment of his DOR for promotion to major (MAJ)/O-4
- consideration for promotion to lieutenant colonel (LTC)/O-5
- to appear in person before the Board

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Military Police (MP) School Diploma
- DA Form 1059 (Service School Academic Evaluation Report (AER)) (2)
- Departments of the Army and the Air Force, National Guard Bureau (NGB), Arlington, VA memorandum, Subject: Promotion as a Reserve Commissioned Officer of the Army, dated 27 October 2008
- NGB Form 0122E - Special Orders Number 275 AR, dated 27 October 2008
- DA Form 67-9 (Officer Evaluation Report (OER)) (3)
- DA Form 67-10-1 (Company Grade Plate (O1 - O3; WO1 [Warrant Officer 1] - CW2 [Chief Warrant Officer 2]) OER) (5)
- Orders 050-034 issued by Headquarters, District of Columbia National Guard, Washington, DC, dated 19 February 2003
- Orders 303-022 issued by Headquarters, District of Columbia National Guard, Washington, DC, dated 29 October 2008
- Orders B-02-000531 issued by U.S. Army Human Resources Command (USAHRC), Fort Knox, KY, dated 4 February 2020

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Numbers AR20080004059 on 31 July 2008 and AR20200006456 on 5 March 2021.

2. The applicant states:

a. He is requesting a 2008 DOR for promotion to CPT because he met all of the educational and time in grade requirements to be promoted from first lieutenant (1LT)/O-2 to CPT. Due to no fault of his own, he was overlooked and expressed this concern to his command. The back date of the promotion to CPT would be correct as at the time he was overlooked he was actually qualified and eligible for promotion. When his promotion to 1LT was subsequently corrected and backdated, it made him eligible with time in grade and all educational requirements for promotion to CPT in 2006 or 2007. This fact was overlooked when this correction was made to his 1LT DOR. The delayed promotion was due to his commander mistakenly submitting an extremely late OER. That prevented him from being boarded with complete records when he was due to be selected for promotion to CPT.

b. The DC Army National Guard (DCARNG) carried him on the books from 11 January 2012 until 7 June 2017 when he entered the Individual Ready Reserve (IRR). The DCARNG held up his transfer into the IRR for over 6 years, effectively stifling his career progression. His transfer orders were held by the DCARNG until the June 2017. This delayed him from entering the IRR and moving forward with his career. Had he been entered into the IRR shortly after the January 2012 transfer date, he would have been picked up and allowed to move forward.

c. His completion of the Military Police Captains Career Course (MPCCC) was delayed due to his promotion to 1LT being delayed and record errors. Although he attempted for several years to have this injustice corrected, he was not allowed to enroll in MPCCC as a second lieutenant (2LT)/O-1. He submitted requests for correction of the errors in his record in 2003, 2004, 2005, and 2006; and they were finally corrected by the ABCMR in 2007. This correction assisted him in being promoted to 1LT in October 2008 with a retroactive DOR of 15 August 2002. The correction of his 1LT DOR immediately made him eligible for attendance of the MPCCC and a DOR to 1LT in 2002 made him eligible for promotion to CPT in 2006. He did not need to complete MPCCC to be promoted to CPT.

d. He completed MPCCC and would like to have his DOR for CPT backdated because he did not need to complete the MPCCC to be promoted to CPT. He was commissioned in 2000 and his cohort group of peers were promoted when time in grade requirements were met as actively drilling members and even the ones in the IRR were promoted if they met all the requirements. He is asking to be promoted in accordance with his cohort group as he has outstanding OERs and has met all the education, height weight, physical fitness, and time in grade requirements. The DCARNG's failure to transfer him to the IRR and carrying him on the books from 2011 to 2017 denied him consideration for promotion to next grade.

e. When he was finally promoted to CPT, he was not allowed to enroll in Intermediate Level Education (ILE) distance learning because he was not a MAJ yet. He attempted to explain his case but was denied even though he was assigned to a MAJ position and performing the duties.

f. Since submitting his application, he was promoted to MAJ on 10 July 2024, and is currently enrolled in ILE. He is requesting to have his DOR for MAJ backdated and to be promoted to LTC. This will correct all the injustices in his career. Throughout his career he was always educationally qualified prior to becoming eligible for the next grade. Time in grade was all he needed, and the requested corrections will place him in the proper grade.

3. The applicant enlisted in the DCARNG on 28 August 1989. He earned his Bachelor of Science degree in Journalism on 25 May 1996.

4. He completed the Officer Candidate School on 16 July 2000. District of Columbia National Guard Orders 228-032 dated 15 August 2000, and NGB Special Orders Number 178 AR dated 5 October 2000, show he was appointed as a 2LT in the ARNG with an effective date of 15 August 2000.

5. His OER rendered for the period from 15 August 2000 through 14 August 2001 shows his rater and senior rater made favorable comments and ratings regarding his performance and potential.

6. His AER dated 23 October 2001 and U.S. Army MP School diploma show he "Achieved Course Standards" and successfully completed the MP Officer Basic Course (OBC). His Interactive Personnel Electronic Records Management System (iPERMS) record shows the document was uploaded on 18 September 2019.

7. His OERs rendered for the periods from 25 October 2001 through 19 August 2002 and from 1 December 2001 through 1 November 2002 show his rater and senior rater made favorable comments and ratings regarding his performance and potential. It is duly noted that these OERs have overlapping periods and two different officers list as his raters.

8. Headquarters, First U.S. Army, memorandum, Subject: Withdrawal of Federal Recognition, dated 17 October 2002, informed the applicant that sufficient basis existed to initiate action for withdrawal of Federal Recognition in the ARNG for moral or professional dereliction in accordance with National Guard Regulation 635-101 (Efficiency and Physical Fitness Boards), paragraph 9 (Moral or Professional Dereliction), more specifically, his felony convictions of assault with a dangerous weapon and possession of an unregistered firearm.

a. Under the provisions of National Guard Regulation 635-101, he was allowed the following options:

- (1) show cause for retention before a board of officers convened for that purpose;
- (2) submit a request for resignation in lieu of withdrawal of Federal Recognition;  
or
- (3) elect transfer to the Retired Reserve, if eligible.

b. He elected to tender his resignation as an officer of the ARNG and as a Reserve officer of the Army in lieu of withdrawal of Federal Recognition.

9. Orders 050-034 issued by Headquarters, District of Columbia National Guard, Washington, DC, dated 19 February 2003, show the applicant was separated from the ARNG and transferred to the IRR effective 19 February 2003. Orders 072-024 issued by District of Columbia National Guard, Washington, DC, dated 13 March 2003, revoked Orders 050-034.

10. NGB Special Orders Number 67 AR, dated 14 March 2003, withdrew his Federal Recognition, and transferred him to the U.S. Army Reserve (USAR) effective 19 February 2003.

11. Orders 080-053 issued by Headquarters, District of Columbia National Guard on 21 March 2003, show the applicant was honorably separated from the ARNG effective 19 February 2003. He was not transferred to another component. His NGB Form 22 (Report of Separation and Record of Service) for the period ending 19 February 2003 is not filed in his available record.

12. His NGB Form 23B (Army National Guard Retirement Points History Statement), dated 15 July 2008, and DA Form 5016 (Chronological Statement of Retirement Points), dated 24 February 2021 show his break in service from 20 February 2003 through 17 February 2007.

13. There is no evidence of a reentry waiver approved by the Chief, NGB, for the applicant's felony convictions of assault with a dangerous weapon and possession of an unregistered firearm for review by the Board.

14. NGB Special Orders Number 182 AR, dated 30 July 2007, announced Federal recognition for the applicant's transfer from the USAR to the 276th Military Police Company, DCARNG, effective 18 July 2007.

15. The applicant petitioned the ABCMR for correction of his DOR for promotion to 1LT. The Board determined:

a. He was appointed as a 2LT/O-1 in the ARNG on 15 August 2000. He would have met the time in service requirement for promotion to 1LT/O-2 on 15 August 2002.

b. The National Guard advisory opinion, 3 June 2008, noted the applicant's records contained no derogatory documents that would have made him ineligible for promotion prior to his transfer to the USAR Individual Ready Reserve. Therefore, it would be equitable to show he was promoted to 1LT/O-2 and granted Federal recognition as a 1LT/O-2 effective 15 August 2002 with all due back pay and allowances.

c. If the applicant had been promoted to 1LT/O-2 in August 2002, he should have been eligible for consideration for promotion to CPT/O-3 with a promotion eligibility date of August 2007.

d. On 5 August 2008, the applicant was informed the ABCMR granted full relief of his request.

16. Departments of the Army and the Air Force, NGB, Arlington, VA memorandum, Subject: Promotion as a Reserve Commissioned Officer of the Army, dated 27 October 2008, and NGB Special Orders Number 275 AR, dated 27 October 2008, announced retroactive Federal Recognition of the applicant's promotion to 1LT effective 15 August 2002.

17. Orders 303-022 issued by District of Columbia National Guard, Washington, DC on 29 October 2008, show the applicant was transferred from 276th MP Company to 275th MP Company effective 1 November 2008. He held the rank of 1LT at the time.

18. His OER rendered for the period from 15 July 2007 through 18 October 2008 shows his rater and senior rater made favorable comments and ratings regarding his performance and potential. The applicant and the rating officials signed the OER on 18 February 2009. It is noted this OER is missing a significant number of administrative entries.

19. The applicant petitioned the ABCMR for correction of his records so he could become eligible for consideration for promotion to CPT. The NGB provided an advisory opinion, dated 17 October 2011, wherein they recommended the ABCMR defer action on the applicant's case due to a pending investigation into his appointment as a commissioned officer. As a result, the DCARNG convened a withdrawal of Federal Recognition board due to his fraudulent reappointment in the ARNG. The action was concurred by First Army and was pending final approval per NGB. The circumstances that gave rise to the investigation and pending withdrawal of Federal Recognition would

make approving this request inappropriate. Any action taken by the ABCMR would be moot. The ABCMR provided a copy of the advisory opinion to the applicant and informed him that his request was returned without action being taken by the Board.

20. Orders 011-040 issued by Joint Force Headquarters, District of Columbia National Guard, Washington, DC on 11 January 2012, show the applicant was separated from the ARNG and as a Reserve of the Army on 17 January 2012. His service was characterized as General (Under Honorable Conditions). He was not transferred to another component. The reason for his separation was "MR (Moral or Professional Dereliction)." Orders 158-017 issued by Joint Force Headquarters, District of Columbia National Guard, Washington, DC on 7 June 2017, amended Orders 011-040 to show he was transferred to USAR Control Group (IRR).

21. NGB Special Orders Number 41 AR, dated 3 February 2012, announced withdrawal of the applicant's Federal Recognition as a result of a general discharge effective 17 January 2012. NGB Special Orders Number 18 AR, dated 18 January 2018, amended NGB Special Orders Number 41 AR, dated 3 February 2012, to show he was transferred to the USAR rather than separated with a general discharge.

22. His iPERMS records contain his Master Military Pay Account reports for the period 2008-2012.

23. His OER rendered for the period from 7 February 2017 through 6 February 2018 shows his rater and senior rater made favorable comments and ratings regarding his performance and potential. He was a member of a drilling USAR unit, Headquarters and Headquarters Company, 200th Military Police Command, Fort Meade, MD during this period.

24. Orders C-02-801738 issued by USAHRC, Fort Knox, KY on 8 February 2018, show the applicant was voluntarily released from USAR Control Group (Reinforcement) and assigned to Headquarters and Headquarters Company, 200th Military Police Command, Fort Meade, MD effective 7 February 2018.

25. His OER rendered for the period from 7 February 2018 through 6 February 2019 shows his rater and senior rater made favorable comments and ratings regarding his performance and potential. He was a member of a drilling USAR unit, Headquarters and Headquarters Company, 200th Military Police Command, Fort Meade, MD during this period.

26. The applicant's service records show:

- he was considered, but not recommended for promotion on Fiscal Year 2018 CPT Army Promotion List, Promotion Selection Board

- he was considered, but not recommended for promotion on Fiscal Year 2019 CPT Army Promotion List, Promotion Selection Board
- he was notified of his second non-selection for promotion and provided options to consider for his career
- Special Selection Board RSXXXX-XX Fiscal Year 2018, CPT Army Promotion List, Promoted him to CPT with a DOR of 30 August 2018

27. Orders B-02-000531 issued by USAHRC, Fort Knox, KY on 4 February 2020, show the applicant was retroactively promoted to the rank of CPT effective 30 August 2018.

28. His OER rendered for the period from 7 February 2019 through 6 February 2020 shows his rater and senior rater made favorable comments and ratings regarding his performance and potential.

29. His AER, dated 11 June 2020, shows he successfully completed the MPCCC Phase 2 conducted from 30 May 2020 through 12 June 2020.

30. His AER covering the period from 15 August 2020 through 28 August 2020 shows he "Failed to Achieve Course Standards" for the Military Police Captains Career Course resident Phase II. He failed to meet the minimum of 70 percent during the test and re-test of the examination. As a result, he was removed from training, and ineligible to enroll in any professional military education for a period of 6 months, beginning the day after signing the AER.

31. The applicant's DA Form 5016, dated 24 February 2021, shows his periods of service in the ARNG, USAR, and his break in service from 20 February 2003 until 17 July 2007.

32. The applicant petitioned the ABCMR for adjustment of his DOR for CPT based upon his record being incomplete regarding military education and an erroneous break in service due to no fault of his own. On 21 March 2022, the applicant was informed the ABCMR had considered his application under procedures established by the Secretary of the Army and denied his application.

33. Orders HR-4113-00026, issued by USAHRC, Fort Knox, KY on 22 April 2024, show the applicant was ordered to active duty as a member of the USAR for operational support for a period of 715 days to serve as a military executive assistant with a reporting date of 15 May 2024. These orders show his rank as CPT with a DOR of 30 August 2018.

34. In response to a request regarding his current case, the NGB provided the ABCMR an advisory opinion on 22 August 2024. The NGB recommended disapproval of the applicant's request and that his DOR and effective date of promotion remain as is. A

review of the applicant's ABCMR claim was conducted with the assistance of the ARNG Federal Recognition Office. The review showed that the applicant was educationally qualified however at the time of the board his records were incomplete. It is the Soldier's responsibility to make sure that his or her records are properly updated prior to a promotion board. The applicant's records show that his DA Form 1059 reflecting completion of OBC was uploaded in 2019 per iPERMS. The opinion was coordinated with the assistance of the DCARNG, ARNG Federal Recognition Office, and the ARNG Officer Policy Branch. The NGB recommended disapproval of the applicant's request based upon the following rationale:

a. The Soldier requests that his DOR and effective date of promotion to the rank of CPT be adjusted, due to claims that his promotion to the rank of CPT was delayed because his military education was not being reflected properly.

b. Soldier was promoted to 1LT on 15 August 2002 while a member of the ARNG, and later promoted to CPT on 30 August 2018 as member of the USAR. During this period of service, he transferred from the ARNG, to the IRR, and the USAR multiple times.

(1) Soldier separated from the ARNG on 19 February 2003 and transferred to the IRR until 18 July 2007. Soldier then transferred back to the ARNG from the IRR on 18 July 2007 until 11 January 2012 when he was separated and transferred back to the IRR, where he remained until 2018.

(2) Soldier joined the USAR on 7 February 2018, and was later promoted to CPT on 30 August 2018 as a member of the USAR.

c. Army Regulation 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers), paragraph 2-9 (1), states that Officers in the rank of 2LT must have completed all phases of Basic Officer Leadership Course to be promoted to the rank of 1LT and CPT. This is nonwaivable. It also does not grant an Officer an affirmative right to be promoted. It merely sets the minimum requirements before an Officer may be promoted.

c. National Guard Regulation 600-100 (Federal Recognition and Related Personnel Actions) provides guidance to all ARNG 1LT, that OBC is the minimum military educational requirement criteria for promotion from 1LT to CPT. It additionally identifies the minimum time in grade of 24 months and completion of OBC to be promoted, and that the State Adjutant General retains the authority to disapprove the promotion.

d. National Guard Regulation 600-100 provides procedures for processing applications for Federal Recognition. Paragraph 10-15b 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 (Proceedings 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 claim showed that when the Soldier returned to the ARNG on 18 July 2007 he was not promoted to CPT because he needed to spend a minimum of 12 months on the Reserve Active Status List (RASL) and acquire 24 months of eligibility for promotion.

(1) After spending 12 months on the RASL and acquiring 24 months of eligibility he was boarded in 2011, but not selected due to military education requirements as per the ARNG board office.

(2) A further review of the educational requirement showed that the Soldier was educationally qualified due to having a baccalaureate degree in journalism, however during the board process his military records were incomplete, and therefore he was not promoted.

35. Department of the Army Order Number 0009130792.00, dated 9 August 2024, shows the applicant was promoted to the rank/pay grade of MAJ/O-4 with a DOR and effective date of 10 July 2024.

36. In addition to the previously discussed documents, the applicant provides His OERs rendered for the periods ending 19 February 2021, 19 February 2022, and 1 May 2023 which show his raters and senior raters made favorable comments and ratings regarding his performance and potential.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Adjustment of his Date of Rank for Promotion to CPT/O-3. Deny. The Board found insufficient evidence to support reversing the previous Board's decision to adjust

the applicant's date of rank for promotion to CPT/O-3. The applicant was considered for promotion to CPT/O-3 by the FY18 and FY19 Army Promotion List, Promotion Selection Board and was twice non-selected. Additionally, he was considered by a Special Selection Board under the FY18 criteria and selected for promotion to CPT with a date of rank of 30 August 2018, the approval date of the board. The Board concluded the applicant provided no argument or evidence to support why his date of rank should be amended and therefore denied relief.

b. Subsequent Adjustment of his Date of Rank for Promotion to MAJ/O-4. Deny. Based on the applicant's decision not to amend his date of rank to CPT/O-3, the Board found insufficient evidence to support adjusting his date of rank for promotion to MAJ/O-4.

c. Consideration for Promotion to LTC/O-5. Deny. The Board found insufficient evidence and the applicant did not provide evidence to support consideration for promotion to LTC/O-5. The Board noted the applicant's contention that backdating his promotion to MAJ/O-4 would make him eligible for LTC/O-5; however, found no error or injustice in his date of rank to MAJ/O-4 and therefore denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 amendment of the ABCMR decision rendered in Docket Numbers AR20080004059 on 31 July 2008 and AR20200006456 on 5 March 2021.

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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers) prescribes policy and procedures used for selecting and promoting commissioned officers of the ARNG of the United States and the USAR. Paragraph 2-10 (Mandatory Selection Boards) states mandatory selection boards will convene each year. These boards will consider ARNG of the United States and USAR officers on the Reserve Active Status List for promotion to CPT through lieutenant colonel.

3. Army Regulation 600-8-29 (Officer Promotions) prescribes the officer promotion function of military human resources support operations. The regulation supports the objectives of the Active Component's officer promotion system, which includes filling authorized billets with the best qualified officers. It also provides for career progression based upon recognition of an officer's potential to serve in positions of increased responsibility. Additionally, it precludes promoting officers who are not eligible or become disqualified, thus providing an equitable system for all officers.

a. Chapter 6 (Special Selection Boards (SSB)) states SSBs are governed by the same instructions provided to the boards that considered or should have considered an officer for promotion. SSBs may be convened to consider or reconsider commissioned officers for promotion when Headquarters, Department of the Army, determines the existence of an administrative error or material unfairness.

b. Paragraph 6-5 (Convening SSBs) states SSBs will normally be convened within 120 days after a case is approved for consideration. Authority to approve cases for referral to an SSB is delegated to the Commanding General, U.S. Army Human Resources Command, or his or her designee, or the Army Review Boards Agency.

4. National Guard Regulation 600-100 (Commissioned Officers – Federal Recognition and Related Personal Actions), 1 October 1996, provided procedures for processing all applications for Federal Recognition and waivers, revised the list of documents required for appointment, gave new policy on the Early Commissioning Program, announced

new policy dealing with civilian and military education requirements, changed special branch assignment policies, and changed general officer management policies.

a. Paragraph 2-9 (Persons Ineligible for Federal Recognition unless Waiver is Granted) stated the waiver authority for applicants with a record of prior convictions is the Chief, NGB, included:

(1) individuals who have been adjudged youthful offenders or have a record of convictions of any type of military or civil court, excluding minor traffic violations involving a fine or forfeiture of \$300 or less;

(2) conviction of felony under local, Federal, or military law;

(3) conviction that resulted in sentence to confinement in prison, stockade, or detention area or in sentence to hard labor; and

(4) conviction involving moral turpitude.

b. Paragraph 8-7 (Eligibility for Promotion) stated to be considered for Federal recognition and subsequent Reserve of the Army promotion following State promotion to fill a unit vacancy, an ARNG commissioned officer must:

(1) be in an active status;

(2) be medically fit in accordance with Army Regulation 40-501 (Standards of Medical Fitness) and meet the height and weight standards prescribed in Army Regulation 600-9 (The Army Weight Control Program);

(3) have completed the minimum years of promotion service indicated in paragraph 8-8 (Minimum Years of Promotion Service);

(4) have completed the minimum military education requirements prescribed in paragraph 8-9 (Military Education Requirements);

(5) have completed the minimum civilian education requirements prescribed in chapter 9 (Civilian Education); and

(6) have passed an Army Physical Fitness Test within the time frame prescribed.

c. Paragraph 8-8 (Minimum Years of Promotion Service) stated a commissioned officer must complete the following minimum years of promotion service prior to being considered for promotion and Federal recognition in the higher grade:

- 2LT to 1LT – 3 years
- 1LT to CPT – 2 years
- CPT to MAJ – 4 years

d. Paragraph 8-9 (Military Education Requirements) stated the minimum military education requirements for promotions are as follows:

- for promotion to 1LT and CPT – any officer basic course
- for promotion to MAJ – any officer advanced course

e. Chapter 9 (Civilian Education) stated a commissioned officer who received initial appointment after 30 September 1983 and who had no commissioned service prior to that date, the education requirement is to obtain a baccalaureate degree in order to qualify for promotion to the rank of MAJ/O-4. After 30 September 1995, a commissioned officer must be awarded a baccalaureate degree from an accredited educational institution to be promoted above the rank of 1LT unless the officer held the rank of CPT or above on 1 October 1995.

5. National Guard Regulation 635-101 (Efficiency and Physical Fitness Boards), 15 August 1977, prescribed the criteria and procedures for determining the capacity and general fitness of commissioned and warrant officers for continued Federal recognition in the ARNG. Paragraph 9 (Moral or Professional Dereliction) stated the existence of conditions which constitute moral and professional dereliction required the withdrawal of Federal recognition from an officer for general fitness unless the officer successfully proved that recognition should not be withdrawn.

//NOTHING FOLLOWS//