

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20240000075

APPLICANT REQUESTS: adjustment of his date of rank (DOR) for chief warrant officer three (CW3) to 7 April 2021 vice 14 July 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 2 December 2020
- National Guard Bureau (NGB) Form 337 (Oaths of Office)
- NGB Special Orders Number 10
- E-mail Correspondence
- NGB Special Orders Number 250

FACTS:

1. The applicant states he requests the adjustment of his date of rank for CW3/W3 to 7 April 2021 versus 14 July 2023 due to the delay in his Federal recognition for his transfer from the Regular Army (RA) to the Army National Guard (ARNG) which was due to no fault of his own and out of his control.

a. He transferred from the RA to the ARNG on 6 December 2020, his Federal recognition for the accession was delay until 9 January 2023. The excessive delay was due to the inaction of the Recruiting and Retention office of the Georgia (GA) ARNG which was required to submit and approve his documentation in support of his initial Federal recognition in the ARNG.

b. This apparently has been a systemic issue in the ARNG and no fault of the service members. During this period, he reclassified from the military occupational specialty (MOS) of 152H (AH-64D Attack Pilot) to 153D (UH-60 Black Hawk pilot) by completing the reclassification course on 7 April 2021. The second delay which affected his promotion to CW3 was the publication of the orders which awarded him the MOS 153D which he was finally awarded the MOS of 153D effective 7 March 2023. His promotion packet to CW3/W3 was processed through the chain of command and the NGB finally promoted him on 3 August 2023 with the effective date and date of rank of

14 July 2023. The delays in his initial Federal recognition and the awarding of his MOS caused the delay in his promotion to CW3 due to no fault of his own.

2. A review of the applicant's service record shows:

a. With prior enlisted U. S. Army Reserve and RA service, on 3 July 2013, the applicant executed his oath of office and was appointed a Reserve warrant officer in the rank of warrant officer one.

b. On 3 July 2013, Orders Number 18-336-A-3292, issued by Headquarters (HQs), U. S. Army Garrison, the applicant was ordered to active duty effective 3 July 2013 for a 6-year active duty commitment.

c. The applicant's DA Form 1059 (Service School Academic Evaluation Report) shows he achieved course standards for the AH-64D Initial Entry Rotary Wing Aviator Course for the MOS 152H during the period of 9 May through 4 December 2014.

d. On 22 June 2015, Orders Number 1783-016, issued by HQs, U. S. Army Human Resources Command (AHRC), the applicant was promoted to the rank/grade chief warrant officer two (CW2)/W2 in the U. S. Army effective 3 July 2015 with the same date of rank.

e. On 14 September 2015, Orders Number 53-16-A-1706, issued by the U. S. AHRC, the applicant was appointed in the RA of the United States in the rank/grade CW2/W2 in the MOS 153A (Rotary Wing Aviator).

f. The applicant's DA Form 1059 shows he achieved course standards for the AH-64D Instructor Pilot course during the period of 18 December 2018 through 19 March 2019.

g. On 28 May 2020, Orders Number 149-1009, issued by HQs, U. S. Army Garrison, Fort Drum, the applicant was assigned to the U. S. Army transition point effective 5 December 2020 for release from active duty and assignment to the ARNG.

h. On 5 December 2020, the applicant was honorably released from active duty and assigned to the GA ARNG. DD Form 214 shows the applicant completed 7 years, 5 months and 3 days of active service.

i. On 6 December 2020, the applicant executed his oath of office and was appointed a Reserve warrant officer in the rank of CW2.

j. On 6 December 2020, the applicant executed his oath of office and was appointed in the GA ARNG in the rank of CW2.

k. On 8 December 2020, Orders Number C-12-015161, issued by the U. S. ARHC, the applicant was assigned to the GA ARNG for an appointment effective 6 December 2020.

l. On 22 December 2020, the applicant was notified he was appointed as a Reserve warrant officer of the Army in the rank of CW2 effective 6 December 2020 with the scroll date of 9 January 2020 in the MOS 152H.

m. On 29 January 2021, Orders Number 029-016, issued by the State of GA Department of Defense Military Division Office of the Adjutant General, the applicant was ordered the active duty for training to attend the UH-60A/L (Black Hawk) qualification course effective 24 February 2021.

n. The applicant's DA Form 1059 shows he achieved course standards for the UH-60 Aviator Qualification course during the period of 25 February through 7 April 2021.

o. On 9 March 2022, Orders Number 11-2068-00002, issued by the State of GA Department of Defense Military Division Office of the Adjutant General, the applicant was ordered to full time National Guard duty other training (FTNGD-OTD) to attend the UH-60 Aviator Qualification (Transition) course effective 20 March 2022.

p. The applicant's DA Form 1059 shows he achieved course standards for the UH-60 Aviator Qualification (Transition) course during the period of 31 March through 30 April 2022.

q. On 28 September 2022, Orders Number 11-2271-00015, issued by the State of GA Department of Defense Military Division Office of the Adjutant General, the applicant was ordered to FTNGD-OTD to attend the UH-60M Instructor Pilot course effective 2 October 2022.

r. The applicant's DA Form 1059 shows he achieved course standards for the UH-60M Instructor Pilot course during the period of 3 October through 3 December 2022.

s. On 9 January 2023, Special Orders Number 10, issued by the NGB, the applicant was transferred from the USAR effective 6 December 2020 with the date of rank for CW2 of 3 July 2015.

t. On 7 March 2023, Orders Number 4152228, issued by the GA ARNG, the applicant was awarded the MOS of 153D for completion of formal training effective 7 March 2023.

u. On 3 August 2023, Special Orders Number 250, issued by the NGB, the applicant was promoted to the rank of CW3 effective 14 July 2023 with the same date of rank.

v. On 24 April 2024, Orders Number 115-0001, issued by the State of GA Department of Defense Military Department Office of the Adjutant General, the applicant was ordered to active duty in Active Guard Reserve status effective 24 April 2024.

3. The applicant provides the e-mail traffic between himself and his brigade S1, where on 21 January 2023, he inquired about the process for his promotion to CW3 once he received his initial Federal recognition. He was advised his promotion packet had been completed and forwarded for processing since December 2021 but was held up about his battalion. The issue with the packet was he lacked the MOS award order for 153D. His promotion packet could not be processed until he was officially awarded the MOS 153D.

4. On 16 September 2024, in the processing of this case, the NGB provided an advisory opinion for the adjustment of his date of rank of CW3 from 14 July 2023 to 7 April 2021. The advisory official recommended a partial approval of his request. The applicant's federal recognition and MOS reclassification paperwork was delayed which affected his promotion to the rank of CW3. The unit had to resubmit his promotion packet to NGB, which delayed his promotion. However, the date that the applicant is requesting to backdate his DOR to CW3 is not feasible. When he graduated and became MOS qualified on 7 April 2021, this made him eligible for promotion, but he still needed to go through the process of promotion. It is the recommendation for backdating his date of rank to CW3 to 14 August 2021 because of the next state Federal recognition board that occurred on 28 April 2021 after he became MOS qualified.

5. On 18 September 2024, the Army Review Board Agency Case Management Division provided the applicant the advisory opinion for review and comment. On 18 September 2024, the applicant responded via e-mail stating he agreed with the advisory opinion and did not have any further comments.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed and concurred with the National Guard Bureau's (NGB) advisory finding his federal recognition paperwork and military occupational specialty transfer paperwork was delayed which affected his promotion to chief warrant officer 3. The unit had to resubmit his packet to NGB, delaying his promotion. However, the date

the applicant is requesting is not feasible based on his graduation date of 7 April 2021 and then having to go through the promotion process. They recommended a promotion date of 14 August 2021, to which the Board concurred.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the applicant a Special Order extending him Federal recognition for promotion to CW#/W-3 with an effective date and date of rank as 14 August 2021, with entitlement to back pay and allowances, if applicable, as a result of this correction.

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amending his date of rank and effective date of rank to 7 April 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. Department of Defense Instructions 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.

2. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions), prescribes policies and procedures governing the appointment Federal recognition of commissioned officers of the ARNG. Chapter 8 (Promotion for other than general officers), the promotion of officer in the ARNG is a function of the State. However, to be extended Federal recognition in the higher grade, the officer must have satisfied the requirements prescribed herein. Mandatory promotion selection boards are convened by the Secretary of the Army. Those National Guard officers selected by a DA mandatory board who are then appointed by the State in that higher grade to fill a vacancy in the ARNG are extended Federal recognition in that grade. All officer recommended for promotion must be fully qualified.

//NOTHING FOLLOWS//