

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240000344

APPLICANT REQUESTS: in effect, date of rank (DOR) adjustment to first lieutenant (1LT) to 27 September 2020 vice 23 June 2022, and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement, Subject: Timeline of Denied Application to Field Artillery Basic Officer Leadership Course (BOLC), 30 September 2023
- Orders 085-058, Oregon Military Department, Joint Force Headquarters, Oregon National Guard, 26 March 2019
- AATAM Application Submission for 2-6-C20B, 24 February 2021
- AATAM Application Disapproval for 2-6-C20B, 3 March 2021
- AATAM Application Disapproval for 2-6-C20B, 19 July 2021
- AATAM Application Submission for 2-6-C20B, 29 July 2021
- AATAM Enrollment Notice for 2-6-C20B, 5 August 2021
- Order 0004820222.00, Texas Army National Guard, 22 May 2023
- Memorandum, National Guard Bureau (NGB), Advisory Opinion, 19 August 2024
-

FACTS:

1. The applicant enlisted in the Oregon Army National Guard on 11 July 2017. He served in military occupational specialty 11B (Infantryman). On 26 March 2019, he was honorably discharged on appointment as a commissioned officer.
2. Orders 085-058, issued by Oregon Military Department, Joint Force Headquarters, Oregon National Guard, on 29 March 2019, appointed him a second lieutenant (2LT) in the Army National Guard.
3. He interstate transferred to the Texas Army National Guard (TXARNG) with the transfer being completed on 8 January 2021.

4. DA Form 1059 (Service School Academic Evaluation Report) shows he successfully completed the Field Artillery Officer Leader-Branch, 22-03 meeting the requirements for promotion to 1LT on 22 June 2022.

5. Effective 23 June 2022, he was promoted a Reserve Commissioned Officer of the Army in the rank of 1LT.

6. The applicant provides, in part, a timeline of his denied applications for the Field Artillery BOLC with associated submission documents. He believes a review will reveal procedural irregularities, influenced by factors such as the COVID-19 pandemic, which merits a reevaluation of his date of rank.

7. During the processing of this case, on 19 August 2024, an advisory opinion was obtained from the Chief, Special Actions Branch, NGB. The advisory official recommended partial approval of the applicant's request and stated, in effect:

a. The applicant requests DOR adjustment to 1LT to 27 September 2020 vice 23 June 2022, when he reached eighteen months time in grade as a 2LT per Army Regulation 600-8-29 (Officer Promotions). The applicant claims he was unable to complete the Field Artillery BOLC in eighteen months through no fault of his own and should be promoted at eighteen months time in grade as a 2LT regardless of not meeting the requirement of completing BOLC. The applicant submitted his appointment to 2LT, a timeline of events and Army Training Requirements and Resources System course reservation cancellations for review.

b. After review of the applicant's submission and coordination with the TXARNG, the applicant was commissioned on 27 March 2019 as a 2LT in the Oregon Army National Guard. He interstate transferred to TXARNG with the transfer being completed on 8 January 2021. He did not attempt to reserve a BOLC course until 24 February 2021 for course FY21 0612-6-C2-B 004 starting 30 March 2021. The course reservation was cancelled due to the course starting within 30 days. The applicant resubmitted a course reservation for FY21 0612-6-C2-B 007 starting 19 August 2021. His reservation was erroneously cancelled through no fault of his own. He attended course FY22 0612-6-C2-B 003 and graduated meeting the requirements for promotion to 1LT on 22 June 2022, resulting in his current DOR of 23 June 2022.

c. It is the recommendation of the NGB that the applicant's request be partially approved. The applicant did not meet the requirements to be promoted to 1LT until his current date of rank, 23 June 2022. It was determined he was erroneously unenrolled in BOLC for class FY21 0612-6-C2-B 004 through no fault of his own. Class FY21 0612-6-C2-B 007 graduated BOLC on 2 February 2022; therefore, his DOR should be backdated to 2 February 2022 to correct this error. The TXARNG concurs with the opinion.

9. On 20 August 2024, a copy of the advisory opinion was forwarded to the applicant for information and to allow him the opportunity to submit comments or a rebuttal. To date, he has not responded.

10. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. The Board determined 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.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, military record, and regulatory guidance were carefully considered.

a. The applicant requests DOR adjustment to 1LT from 23 June 2022 to 27 September 2020, when he reached 18 months of time in service. He claims he was unable to complete the Field Artillery Basic Officer Leader Course (BOLC) in 18 months through no fault of his own and should be promoted to 1LT at 18 months, regardless of not meeting the requirement of completing BOLC. He was commissioned on 27 March 2019 as a 2LT in the ORARNG and he interstate transferred to TXARNG with the transfer being completed on 8 January 2021. He did not attempt to reserve a BOLC course until 24 February 2021 for course FY21 0612-6-C2-B 004 starting 30 March 2021. The course reservation was cancelled due to the course starting within 30 days. The applicant resubmitted a course reservation for FY21 0612-6-C2-B 007 starting 19 August 2021. His reservation was erroneously cancelled through no fault of his own. He attended course FY22 0612-6-C2-B 003 and graduated meeting the requirements for promotion to 1LT on 22 June 2022, resulting in his current DOR of 23 June 2022.

b. The Board reviewed and agreed with the NGB advisory official's determination that partial relief is warranted. There is no question that the applicant did not meet the requirements to be promoted to 1LT until his current date of rank, 23 June 2022. However, because he was erroneously unenrolled in BOLC for class FY21 0612-6-C2-B 004 through no fault of his own, an injustice occurred. Class FY21 0612-6-C2-B 007 graduated BOLC on 2 February 2022; therefore, the Board determined that his DOR should be backdated to 2 February 2022 to correct this error.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : 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 and Army National Guard records of the individual concerned be corrected by amending Special Orders Number 171 AR, issued by the NGB on 11 May 2023 to show the effective date of promotion and the date of rank as 2 February 2022 vice 23 June 2022.

2. The Board further determined 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 changing his date of rank to 27 September 2020.

█

█ █

█
█

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 135-155 (Army National Guard and Reserve – Promotion of Commissioned Officers and Warrant Officers) prescribes the policies, operating rules, and steps governing promotion of Army officers on the Reserve active status list and U.S. Army Reserve warrant officers. The regulation applies to commissioned officers (except commissioned warrant officers) of the Army National Guard of the United States and the U.S. Army Reserve on the Reserve active status list, and to warrant officers of the U.S. Army Reserve who are in an active status. Table 2-1 (Time in Grade and Military Education Requirements for Officer Promotion Consideration – (Statutory)), notes the minimum time in grade from 2LT to 1LT is 18 months with a minimum military education level of BOLC.
2. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//