

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2025

DOCKET NUMBER: AR20240001490

APPLICANT REQUESTS:

- Appointment as a warrant officer and promotion to Chief Warrant Officer Two (CW2/W-2)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters USAREC Form 3.3 (Letter of Recommendation) – reflective of information used to determine the applicant's qualification to be appointed as a Warrant Officer; recommendations provided by other Warrant Officers to be used in the consideration of the applicant's application for appointment
- Memorandum – Subject: Warrant Officer (WO) Candidate Notification, 19 April 2021 – reflective of the applicant being accepted into the Reserve Warrant Officer Candidate Program
- Military Personnel (MILPER) Message Number 20-309 (U.S. Army Reserve (USAR) Warrant Officer Selection Board Results September 2020) – reflective of a list of persons to include the applicant selected to attend the Warrant Officer Candidate School (WOCS)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part that:

- On 24 September 2020 – he was advised of his acceptance to attend the WOCS; welcome packet to attend the course received on 19 April 2021
- He was informed by his command that he would need a religious exemption for the COVID-19 vaccine

- On 14 September 2022 – he was released from the WOCS because you are only afforded 24 months to complete the course
- On 10 January 2023 – the Secretary of Defense issued a memorandum rescinding the vaccine mandate
- On 6 February 2023 – a MILPER Message was released authorizing the appointment of WO without attending WOCS
- Had the vaccine never been in place, he would have attended and completed WOCS; he would be a CW2 by now with a projected retirement eligibility date of July 2027
- Instead of retiring as a WO, he will now retire as a staff sergeant (SSG)/E-6)

3. A review of the applicant's available service records reflects the following:

- On 2 December 1997 – he enlisted in the U.S. Army Reserve (USAR)
- On 27 June 2019 (Orders Number 19-178-00188) – he was promoted to the rank/grade of SSG/E-6, effective 1 July 2019
- On 29 September 2024– he was issued a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-year letter)
- On 31 March 2025 (Orders Number 22371381) – he was transferred to the USAR Retired Reserve, effective 4 July 2025, in the rank of SSG

4. On 25 October 2024, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Chief, Policy Integration, provided an advisory opinion recommending disapproval of the applicant's request noting that he did not complete WOCS or the Warrant Officer Basic Course (WOBC). Without completion of WOCS, he was not appointed as WO-1 nor does he have the requisite 18 month time in grade to be promoted to CW2. Without WOBC the applicant is also not Military Occupational Specialty qualified. Selection for WOCS does not guarantee that he would have successfully completed both WOCS and WOBC. Army Directive 2023-02 allows for the Direct Appointment (DA) of and Direct Commission (DC) of Warrant Officers and is not applicable in this case. The responsible Center of Excellence (COE) sets the requirements for DA to WO1 and DC to CW2. The applicant was selected for assessment through in-service selection and not screened by the COE/Proponent for direct appointment. Army Regulation (AR) 135-100 (Appointment of Commissioned and Warrant Officer of the Army) provides that a Soldier must complete all phases of WOCS within 2 years. The regulation allows for a waiver to this requirement allowing the service member to continue to WOCS after the 2-year window if approved.

5. On 28 October 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments.

6. On 31 October 2024, in response to the advisory opinion, the applicant notes that at the end of the 24 months of his enrollment in the WOCS, the vaccine mandate was still

in effect therefore he would continue to be prevented from attending the course. In addition to this contention, the applicant notes that since he was enrolled in the WOC program, he was overlooked for promotion to sergeant first class (SFC)/E-7. He contests that he would have been promoted to SFC in 2023 had he not been in the WOC program.

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 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. The Board reviewed the applicant's petition, available military personnel records, and the advisory opinion provided by the Office of the Deputy Chief of Staff, G-1 (Policy Integration). The applicant's rebuttal to the advisory opinion was also taken into account. The applicant was selected for assessment through in-service selection, not through direct appointment screening by the COE)/Proponent. He did not complete WOCS and therefore was not appointed as a WO1. He lacks the required 18 months' time in grade to be eligible for promotion to CW2. Without completion of WOBC, he is not MOS qualified. Selection for WOCS does not guarantee successful completion of WOCS and WOBC. Army Directive 2023-02, which allows for DA and DC of Warrant Officers, is not applicable in this case.
2. The responsible COE sets the requirements for DA to WO1 and DC to CW2. The Board concurred with the advisory opinion that the applicant did not meet the statutory and regulatory requirements for appointment or promotion. The applicant's rebuttal did not provide sufficient evidence to overcome the established requirements of WOCS, WOBC, and time in grade. The Board emphasized that eligibility is based on successful completion of required training and meeting time-in-grade standards, not on selection alone. Therefore, the Board denied relief.
3. 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
XXX	XXX	XXX	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.

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, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. AR 135-100 (Appointment of Commissioned and Warrant Officer of the Army) provides policy and procedures for the appointment of commissioned and warrant officers in the Army National Guard of the United States (ARNGUS) and the United States Army Reserve (USAR). Section IX (Appointment as a Reserve Warrant Officer of

the Army) provides that Enlisted members will attain qualification for appointment through completion of WOCS or WOCS–Reserve Component.

a. Paragraph 2-7.1 (Warrant Officer Appointment Procedures) provides that effective 1 October 1992, all warrant officer candidates (WOC) required to attend WOCS or WOCS–RC will be appointed to WO, W–1 on successful completion of the course. All appointments (to include current or former commissioned officers) to WO, W–1, will be contingent on technical and tactical certification by successful completion of the appropriate WOBC or certification by the MOS proponent as technically and tactically certified for award of an authorized WO MOS.

b. Failure to successfully complete technical and tactical certification as stated above may result in termination of the WO appointment. Reserve component WO, W–1, not on active duty, must successfully complete technical and tactical certification within 2 years of appointment unless extended by Headquarters Department of the Army.

c. Reserve component WO, W–1, not on active duty, may request a 1–year extension, when through no fault of their own, they are unable to successfully complete technical and tactical certification within 2 years of appointment.

3. AR 15-185 (ABCMR) 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 applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//