

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240001493

APPLICANT REQUESTS: correction of records to reflect reappointment in the rank/grade of captain (CPT)/O-3 within the Chaplain Corps with entitlement to back payment of all pay and allowances.

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 335 AR, 24 September 2012
- Secretary of Defense (SECDEF) letter, 29 January 2015
- Memorandum – Subject: Promotion as a Reserve Commissioned Officer of the Army, 15 September 2016
- Special Orders Number IP-3233, 5 October 2021
- Chaplain Corp Constructive Credit Worksheet (CCW), 12 January 2024

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 when he was reappointed as a Chaplain (56A), he should have been appointed at the rank of CPT rather than first lieutenant (1LT). He contests that this error has resulted in delayed promotions to CPT and major (MAJ)/O-4. Had his rank been correct upon reappointment, he would have attended professional military education courses sooner thereby making him eligible for promotion to MAJ sooner. He notes that he would have received payment as a CPT for 4-5 years had this error never occurred on the behalf of his Specialty Branch Recruiting office. Had a CCW been submitted properly reflective of his professional experience and education, he would have been properly appointed as a CPT. In December 2023, the applicant inquired with his State's Branch Recruiter with regards to his CCW. Upon computation, the recruiter noted that the applicant should have been appointed as a CPT. In result, his peers are either senior MAJ's or newly promoted lieutenant colonels (LTC). Meanwhile, he is a junior MAJ with only 2 years Time in Grade (TIG).

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

a. On 14 April 2009, the applicant enlisted in the Army National Guard (ARNG). On 25 January 2011, the [REDACTED] ARNG issued Orders Number 025-1119, discharging the applicant from the ARNG, effective 19 January 2011.

b. On 21 July 2011, the National Guard Bureau (NGB) issued Special Orders Number 165 AR announcing Federal recognition of the applicant's initial appointment as a commissioned Officer within the [REDACTED] ARNG (Staff Specialist Corps) at the rank/grade of second lieutenant (2LT)/O-1, effective 20 January 2011.

c. On 16 December 2011, the applicant's Master of Divinity degree was conferred by the [REDACTED] Seminary.

d. On 21 September 2012, the [REDACTED] ARNG issued Orders Number 265-1209 announcing the applicant's appointment as a 1LT within the Chaplain Corps.

e. On 24 September 2012, the NGB issued Special Orders Number 335 AR announcing the applicant's Federal recognition for promotion to 1LT, effective 20 July 2012.

f. On 12 April 2013, the NGB issued Special Orders Number 97 AR announcing Federal recognition of the applicant's initial appointment within the Chaplain Corps at the rank of 1LT, effective 20 September 2012.

g. On 15 September 2016, the NGB issued Special Orders Number 191 announcing Federal recognition of the applicant's promotion to the rank/grade of CPT/O-3, effective 17 August 2016.

h. On 21 August 2020, he completed the Chaplain Captains Career course, and on 5 October 2021, the NGB issued Special Orders Number IP-3233 announcing Federal recognition of the applicant's promotion to the rank/grade of MAJ/O-4, effective 30 September 2021.

4. The applicant provides the following a:

a. SECDEF letter dated 29 January 2015, reflective of the SECDEF appointment of the applicant at the rank of CPT within the U.S. Army Reserve (USAR).

b. Memorandum – Subject: Promotion as a Reserve Commissioned Officer of the Army, dated 15 September 2016, reflective of the applicant's promotion to the rank of CPT by the State of [REDACTED], effective 17 August 2016.

c. Chaplain Corp CCW dated 12 January 2024, reflective of the applicant's submitted application for appointment in the Chaplain Corps as a 56A (Chaplain) at the rank of CPT. This document further provides 3 years of Professional Education Credit, 1-year Professional Work Experience Credit resulting in a total of 4 years Constructive Service Credit to be awarded.

5. On 18 November 2024, the NGB provided an advisory opinion recommending partial approval of the applicant's request noting that the applicant's CCW determined that he should be reappointed as a 1LT with a Date of Rank (DOR) of 20 September 2012. Though, his CCW was not submitted on time, he did not have enough TIG to be reappointed as a CPT and therefore his reappointment as a 1LT is valid; the applicant did not have enough TIG as a 1LT to be reappointed as a CPT. According to the CCW section 5b, it states that to be reappointed as a CPT, the applicant must have 6-months' TIG. The applicant was promoted to 1LT on 20 July 2012, and reappointed as a 1LT on 20 September 2012, because he only had 3-months TIG. Further review of his records provides that the applicant should have been promoted to CPT with a DOR of 28 May 2013, when the Fiscal Year 2013 Chaplain Captain Certification Review Board was approved.

6. On 21 November 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. The applicant responded in concurrence with the recommendation that his DOR to CPT be changed from 17 August 2016 to 28 May 2013.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence shows the applicant was reappointed as a Chaplain (56A) in the ■ ARNG as 1LT with a date of rank (DOR) of 20 September 2012. He contends that he should have been reappointed as a CPT, and not as a 1LT and that the error was caused of the specialty branch recruiting office which did not submit a constructive credit worksheet (CCW) with his Federal Recognition packet at the time of his reappointment. According to the State ARNG/NGB, the applicant's constructive credit worksheet was not submitted on time, however the applicant's contention that had his CCW been submitted properly with his Federal Recognition packet he would have been reappointed as a CPT is not accurate because he did not have sufficient time in grade at the time as a 1LT to be promoted to CPT. He required at least 6 months and he only had 3 months. Therefore, his reappointment as a 1LT is not in error or unjust.

b. The applicant also contends that there was a delay in his career progression, where he would have been promoted much sooner had he been reappointed as CPT. The evidence further shows the applicant was extended Federal recognition for promotion to CPT/O-3, effective 17 August 2016. The Board reviewed and agreed with the NGB advisory official's determination that the applicant should have been promoted to CPT effective 28 May 2013 when the FY13 Chaplain Captain Certification Review Board was approved. Therefore, relief regarding his grade is warranted.

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 191 announcing Federal recognition of the applicant's promotion to CPT/O-3, to show the applicant was extended Federal recognition in the rank of CPT/O-3 effective on and with a date of rank as 28 May 2013.

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 any relief in excess of that described above.

12/19/2024

X

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, USC, 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. Army Regulation (AR) 600-8-29 (Officer Promotions) provides policies and procedures governing promotion of Army commissioned and warrant officers on the active duty list (ADL). Paragraph 1-42 (Grade and Active Date of Rank of Other Than Regular Army (OTRA) Chaplains Upon Placement on the ADL) provides that OTRA chaplains in the Reserve grade of 1LT who received entry grade credit that included constructive service credit under categories two and/or three, AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army), paragraph 3-7, at the time of their most recent original appointment and OTRA chaplains in the Reserve grade of CPT who received entry grade credit at the time of their most recent original appointment may be tendered a new original appointment in a higher grade, not above MAJ, upon placement on the ADL if the total period of all entry grade credit awarded exceeds the promotion phase point to the higher grade in the chaplain competitive category.

3. AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army) establishes responsibility and provides procedures for the appointment of commissioned and warrant officers in the Reserve Components of the Army. Paragraph 3-7 (Appointment Grade and Date of Rank) provides that Entry grade and DOR in commissioned officer grades will be determined by the entry grade credit awarded on appointment. The entry grade credit awarded will be the sum of the prior commissioned service allowed. This includes the amount of constructive service credit allowed. A period will be counted only once when computing credit.

a. Applicants may be appointed as second lieutenants with assignment to the Staff Specialist (SS) Branch. This is until they become eligible for appointment as 1LT in the Chaplain Branch. An applicant when appointed as a 1LT will be credited with the actual service and constructive service credit allowed. Such credit will not be less than 3 years service in an active status.

b. Constructive Service Credit - The purpose of constructive service credit is to provide grade and DOR comparability. This is for a person who begins commissioned service after obtaining the additional education, training, or experience required for appointment or assignment as a commissioned officer in a professional field. This relates to a contemporary who began commissioned service immediately after obtaining a baccalaureate degree. Compute and award constructive service credit as follows:

- Count a period of constructive service only once
- Do not count periods of time spent in an active status as a commissioned officer or on active duty
- Credit qualifying periods of less than 1 full year proportionately
- The number of years creditable as constructive service credit may not exceed the following:
 - Entry grade for appointment or assignment – Credit: 3 years
 - 7 or more years of extensive practical experience in a ministry as documented on DD Form 2088 (Ecclesiastical Endorsement) submitted by the individual's Ecclesiastical Agency– Credit = 1 year
 - Unusual cases involving special experience or unique qualifications as determined by the Secretary of the Army or his designee, upon the recommendation of the Chief of Chaplains

c. The DOR of an officer commissioned in the Reserve of the Army and appointed to the Chaplain Branch will be determined by the entry grade credit awarded on appointment.

//NOTHING FOLLOWS//