

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240001514

APPLICANT REQUESTS: correction of his date of rank (DOR) to first lieutenant (1LT)/O-2 from 12 May 2023 to 24 February 2021.

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

- Online application, 30 January 2024
- DA Form 71 (Oath of Office), 24 August 2019
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service, 31 July 2022
- DA Form 1059 (Service School Academic Evaluation Report), 18 December 2020
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 18 December 2020
- Transfer to Individual Ready Reserve (IRR), 30 September 2022
- Promotion Order, 18 September 2023
- Advisory Opinion, 23 October 2024
- Response to Advisory Opinion, 7 November 2024

FACTS:

1. The applicant states, in effect, he commissioned in the National Guard as a Second Lieutenant (2LT) in August of 2019, he completed the Adjutant General Basic Officer Leader Course in December of 2020. He became eligible for 1LT in February of 2021. He transferred in the IRR and eventually transferred to the Army Reserve, Troop Unit Program, in 2023. He was promoted to 1LT in 2023, but his DOR was stated to him as 12 May 2023; this error causes him to lose a little over 2 years' time in rank.

2. A review of the applicant's service records show:

a. DA Form 71 (Oath of Office – Military Personnel) dated, 24 August 2019, the applicant was appointed as a reserve commissioned officer in the Army, in the grade of 2LT on 24 August 2019.

b. DA Form 1059 (Service School Academic Evaluation Report) from 14 September 2020 thru 18 December 2020, he completed the Adjutant General Basic Officer Leader Branch course.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) showing he was honorably released from active duty for training under the provisions of Army Regulation 600-8-24 (Personnel – General – Officer Transfers and Discharges) for completion of required active service, in the rank/grade of 2LT/O-1. He served 3 months and 5 days of net active service this period.

d. NGB Form 22 (Report of Separation and Record of Service) showing he was honorably released from active duty and transferred in the IRR effective 31 July 2022. He served a total of 2 years, 11 months, and 7 days of net service this period, with 4 years prior active service [prior enlisted service].

e. Order 0002070406.00, dated 30 September 2022, issued by the California Army National Guard (CAARNG) showing he was transferred to the IRR with an effective date of 2 August 2022.

f. Order 0006022951.00, dated 18 September 2023, showing he was promoted from the rank of 2LT to 1LT with an effective date of 12 May 2023.

3. In the processing of this case, an advisory opinion was obtained on 23 October 2024, from the NGB, Chief, Special Actions Branch. The advisory official recommended disapproval, and opined:

a. The applicant commissioned in the CAARNG as a 2LT on 24 August 2019, he completed Adjutant Basic Officer Course on 18 December 2020, he states he was eligible for promotion to 1LT on 24 February 2021 but had not received a promotion order and transferred to the IRR on 31 July 2022. He was transferred into a reserve unit and was promoted to 1LT with a DOR of 12 May 2023. He is requesting his DOR be amended to 24 February 2021, when he was eligible at 18 months' time in grade.

b. After a review of the applicant's submission and coordination with the CAARNG, he was not eligible for promotion 24 February 2021. The state submitted the promotion packet to the NGB Federal Recognition Branch on 16 April 2021, on 2 June 2021 the NGB returned the packet as the applicant's security clearance was not complete and he was not eligible for promotion in accordance with National Guard Regulation (NGR) 600-100 (Personnel – General – Commissioned Officer Federal Recognition and Related Personnel Actions), the state was asked to resubmit once the applicant's security clearance was adjudicated. His physical health assessment expired on 6 March 2022, an additional requirement for a promotion packet. He requested a conditional release on 18 May 2022 and transferred in the IRR on 31 July 2022. He was not eligible

for promotion with the CAARNG per NGR 600-100, paragraph 8-5 (Personnel Security Clearance), from the time he reached time in grade requirements until he was transferred to the IRR on 31 July 2022.

c. The NGB recommended disapproval of the applicant's request for his DOR from 2LT to 1LT to be amended to 24 February 2021 vice 12 May 2023, because he did not meet the eligibility for promotion while serving in the CAARNG.

4. The applicant was provided a copy of the advisory opinion. He responded via email message on 7 November 2024, which states in effect:

a. He started by commenting on the issue of his security clearance not being complete, stating he did not think he would have been able to graduate Officer Candidate School if he did not have his security clearance complete. He additionally believes he would not have been allowed to graduate Adjutant General Basic Officer Leaders Course, if he did not have his security clearance. When his promotion packet was in the process of being put together, his security clearance was verified, and he now is not sure why the security clearance became a hindrance.

b. He addresses and questions the secondary issue of not being eligible for promotion in 2022 while being in the IRR. He has heard of situations where officers were promoted while in the IRR but states it does not appear that it happened to him. He states if his DOR cannot be adjusted to 2021, he thinks maybe it can be adjusted to 2022.

c. Additionally, he provides: his Checklist - Promotion to 1LT, Recommendation for Promotion to 1LT, DA Form 1059, DA Form 5500 (Body Fat Content Worksheet), Army Physical Fitness Test Scorecard (two), and Security Clearance Verification letter.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the justification given within the NGB Bureau for their recommendation to deny the applicant's request (lack of a security clearance) and the security clearance verification memo provided by the applicant dated, 31 March 2021 showing he had an active security clearance at the time of his promotion eligibility, the Board recommended granting the applicant's relief of back dating his promotion to 24 February 2021, with all appropriate back pay, as long as all other requirements for promotion were met.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's date of rank and effective date of rank to 1LT to show 24 February 2021, with all appropriate back pay, as long as all requirements for promotion were met.

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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 135-155 (Promotion of Commissioned Officers and Warrant Officers Other than General Officers) provides the policy and procedures used for selecting and promoting commissioned officers (other than commissioned warrant officers) of the Army National Guard of the United States (ARNGUS) and of commissioned and warrant officers (WO) of the U.S. Army Reserve (USAR). Table 2-1 (Time in Grade (TIG) Requirements Commissioned Officers, Other than Commissioned Warrant Officers) provides that the minimum TIG for promotion to First Lieutenant (1LT) is 24 months with a maximum TIG of 42 months. Officers are also required to have completed the Basic Officer Leadership Course prior to being promoted. The effective date of promotion and date of rank (DOR) will be the same as if the officer had been selected to the same grade by a promotion board for Reserve Active Status List (RASL) officers. However, the Secretary of the Army may set the date of rank if he or she determines an inequity in the foregoing procedure exists.
2. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions) provides that 2LTs will be considered for promotion at 18 months TIG.
3. Department of Defense Instructions 1310.01 (Rank and Seniority of Commissioned Officers) states the Secretary of the Military Department concerned may adjust the date of rank of an officer, except a general or flag officer, appointed to a higher grade under Title 10, U.S. Code, 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.

//NOTHING FOLLOWS//