

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 November 2024

DOCKET NUMBER: AR20240001576

APPLICANT REQUESTS:

- adjustment of his date of rank (DOR) to first lieutenant (1LT) from 24 June 2021 to 3 November 2020
- retroactive pay and entitlements

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

DD Form 149 (Application for Correction of Military Record) – Online

FACTS:

1. The applicant states:

a. He has been trying to resolve this issue for 2 years. Some of his peers were promoted to 1LT at 18 months' time-in-grade (TIG) while they were in flight school, or their DOR was backdated after completion of the course. His promotion to 1LT was delayed for nearly 8 months. He decided to focus on flight school and did not submit paperwork to his home unit, understanding that he could receive a retroactive DOR with backpay. Upon return to his home unit, he followed up on his promotion paperwork. He received promotion orders; however, his DOR was 24 June 2021. He inquired why his DOR was not backdated to 3 November 2020, but was told there was a memorandum that limited promotions of Army National Guard (ARNG) Soldiers until completion of flight school.

b. The unit human resources staff were unable to explain why the memorandum only applied to him. He has spoken to leaders and his peers and has yet to obtain this memorandum. His DOR issue shows inconsistency within the Army and needs to be addressed. This puts him at a major disadvantage when it comes to promotions, competitive position considerations, and his overall progression as a leader. This issue has caused financial distress; he expected nearly \$8,000 of backpay. He paid off student loans and other debts while at flight school and returned home with limited funds.

2. The applicant enlisted in the ARNG on 22 August 2014. Subsequently, he enrolled in the Utah State University Reserve Officer Training Corps (ROTC) program.
3. On 3 May 2019, the applicant was appointed as Reserve Commissioned Officer of the Army in the Aviation Corps in the rank of second lieutenant (2LT).
4. On 28 February 2020, the applicant reported for training at the Aviation Basic Officer Leaders Course (BOLC).
5. On 24 June 2021, the applicant completed BOLC.
6. A National Guard Bureau (NGB) Form 78 (Recommendation for Promotion to 1LT/Chief Warrant Officer 2 (CW2)) shows that on 20 August 2021, the applicant's commander recommended him for promotion to 1LT. The approving official approved the recommended action, on 25 August 2021.
7. Special Orders Number IP-9033, published by the Departments of the Army and the Air Force, National Guard Bureau (NGB), Washington, DC, on 17 March 2022, announced the applicant's promotion to 1LT with his DOR as 24 June 2021.
8. 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 partial approval, with the effective DOR to 1LT adjusted to reflect 3 May 2021. Noting the applicant met all requirements and based on his DOR should be adjusted to when he was eligible at 24 months to 3 May 2021, as he had met all the requirements as outlined in National Guard Regulation 600-100 (Commissioned Officers – Federal Recognition and Related Personnel Actions), paragraph 8-9b. However, according to National Guard Regulation 600-100, he is ineligible to be promoted at the 18 months TIG mark.
 - a. In accordance with National Guard Regulation 600-100, which was updated and published effective on 6 July 2020, paragraph 8-9b., Reserve Component Aviation second lieutenants who have not graduated from an office basic course (OBC) may be promoted at 24 months of commissioned service if currently enrolled in Flight School XX1 OBC and not flagged.
 - b. The applicant was not eligible for promotion prior to the publication of National Guard Regulation 600-100, and once this regulation was published, his eligibility date for promotion became 3 May 2021, which is 24 months TIG. His unit submitted an NGB Form 78 extending the applicant's recommendation for promotion from 18 to 24 months (18 months was the minimum TIG requirement for non-aviation branch officers) and subsequently submitted the NGB Form 78 to promote him at 24 months.

9. On 25 October 2024, the applicant was provided a copy of the advisory opinion and afforded 15 days to provide comments. The applicant did not respond.

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 advisory finding the applicant was not eligible for promotion prior to the publication of National Guard Regulation 600-100, and once this regulation was published, his eligibility date for promotion became 3 May 2021, which is 24 months' time in grade. The Board recommends that the applicant's date of rank and effective date of promotion be adjusted to 3 May 2021 with entitlement to back pay.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
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:	:	:	GRANT FORMAL HEARING
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:	:	:	DENY APPLICATION
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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 issuing the applicant a Special Order extending him Federal recognition for promotion to 1LT with an effective date and date or rank as 3 May 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 any additional relief in excess of the above.

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.

REFERENCE:

National Guard Regulation 600-100 (Commissioned Officers – Federal Recognition and Related Personnel Actions) provides procedures for processing all applications for Federal Recognition, waivers, revises the list of documents required for appointment, gives new policy on the Early Commissioning Program, announces new policies dealing with civilian and military education requirements, changes specialty branch assignment policies, changes specialty branch promotion policies, changes general officer management policies, as it pertains to commissioned and general officers. The version in effect at the time provided in paragraph 8-9b, that Reserve Component Aviation 2LTs who have not graduated from an OBC/BOLC may be promoted at 24 months of commissioned service if currently enrolled in Flight School XX1/OBC/BOLC and not flagged.

//NOTHING FOLLOWS//