

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240002209

APPLICANT REQUESTS: correction of his effective date of promotion and date of rank to first lieutenant (1LT) in the U.S. Army Reserve from 13 May 2024 to an earlier date.

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

- DD Form 149 (Application for Correction of Military Record)
- May 2022 Oath of Office and Appointment Memorandum
- DA Form 1059 (Service School Academic Evaluation Report), January to June 2023
- Promotion Order to first lieutenant (1LT), 13 May 2024

FACTS:

1. The applicant states he commissioned on 6 May 2022 and completed Engineer Basic Officer Leadership Course on 22 June 2023. By regulation he completed all requirement to promote to 1LT 18 months after his date of rank of 6 May 2022. Due to a HRC (U.S. Army Human Resources Command) data error he was not properly scrolled for promotion forcing him to be unable to promote on time. He reached out to multiple HRC representatives and received the guidance that he will promote first quarter in 2025, a full year after his original promotion date. He was recommended by a HRC assistant to create an application through this Board in order to limit the impacts this will have on his career. This delay would cause him to miss a tentative Special Forces Assessment and Selection (SFAS) date and hinder his ability to serve his country at his full capability. By speaking with multiple HRC representatives, he gathered that nobody knows why he was not properly scrolled for promotion. They stated it was a data error and he will have to wait until the following year, this proves unjust as he volunteered for a full year of active-duty orders to support a deployed unit right after completing Sapper Leader's Course. He has always strived for excellence and is determined to serve his country at his full capability. Due to this "data error" he will not be able to attend SFAS and continue his ambitious career progression in the United States Army.

2. The applicant enlisted in the U.S. Army Reserve and signed a Senior Reserve Officer's Training Corps Scholarship Cadet (ROTC) Contract on 15 Augst 2018.

a. He executed an oath of office on 6 May 2022 and was issued a Memorandum, Subject: appointment as a Reserve commissioned officer, date of scroll 1 December 2022, date of acceptance and effective date: 6 May 2022.

b. The applicant entered active duty for training and completed the Engineer Basic Officer Leader Course from 31 January 2023 to 22 June 2023.

c. On 16 August 2024, the U.S. Army Human Resources Command generated an IPPS-A Order Number 0009207279.00 that promoted the applicant from second lieutenant (2LT) to first lieutenant (1LT) effective 13 May 2024 by authority of Army Regulation (AR) 135-155 (Promotion of Commissioned Officers and Warrant Officers).

d. The applicant served on Active Duty Operational Support, CONUS Support Base from 12 October 2023 to 16 October 2024.

3. The U.S. Army Human Resources Command (HRC) provided an advisory opinion on 11 October 2024 in the processing of this case. An advisory official stated: Based on a review of the information provided, records, laws, regulations, policies, and the systems available to HRC Officer Promotions, HRC finds that the applicant's request does have merit in part. It appears that USAR (U.S. Army Reserve)/HRC's data systems did not reflect correct prudent information on 2LT (at the time) [Applicant] which caused a delay of his nomination/promotion to 1LT. As an ROTC graduate, appointee in the month of May or June, his DOR to 1LT is to reflect that of the USMA (U.S. Military Academy) graduation class DOR for that year. The FY24, First Quarter USMA promotions DOR is 20 November 2023, this is the earliest date that can be awarded to the applicant provided all criteria requirements for promotion were met in advance. For this reason, in fairness and, in accordance with AR 135-155 paragraph 3-24 HRC we recommend that the applicant date of rank and effective date be adjusted to 20 November 2023, and he be granted full relief with backpay and any associated adjustments of record for entitlements (unless proven otherwise ineligible). HRC is aware that this action cannot occur without an approved ABCMR directive, under Title 10, United States Code, section 1552.

4. The applicant was provided and responded to the advisory opinion stating "after revising HRC's comments on the matter, I am declining my right to submit further comments as I believe all parties are on the same page."

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant was appointed via ROTC as a Reserve commissioned

officer in the grade of 2LT on 6 May 2022. He completed the Engineer Basic Officer Leader Course from 31 January 2023 to 22 June 2023. He was promoted to 1LT on 13 May 2024, over 2 years after his initial appointment. HRC acknowledged there was an error as it appears the USAR/HRC's data systems did not reflect correct information on the applicant which caused a delay of his nomination/promotion to 1LT. As an ROTC graduate, appointee in the month of May or June, his DOR to 1LT is to reflect that of the USMA graduation class DOR for that year. The FY24, First Quarter USMA promotions DOR is 20 November 2023, which is the earliest date that can be awarded to the applicant provided all criteria requirements for promotion were met. Therefore, the Board determined the applicant date of rank and effective date should be adjusted to 20 November 2023, with backpay and allowances.

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 the Army records of the individual concerned be corrected by amending Order Number 0009207279.00, dated 16 August 2024, to show he was promoted to 1LT effective on and with a date of rank as 20 November 2023, with entitlement to back pay and allowances.

[Redacted Signature]

[Redacted Title]

[Redacted Signature]

[Redacted Title]

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:

Army Regulation 135 – 155, Army National Guard and Reserve - Promotion of Commissioned Officers and Warrant Officers prescribes policies, operating rules, and steps governing promotion of Army officers on the Reserve active status list and U.S. Army Reserve warrant officers. Paragraph 3-24 (Compute promotion eligibility date for promotion to first lieutenant) states promotion eligibility to 1LT is 18 months of active status as a 2LT on the RASL (Reserve Active Status List) or a combination of service on the ADL (Active Duty List) and the RASL without a break in service. Active status commences on the year, month, and day of appointment as determined on the DA Form 71 (Oath of Office – Military Personnel) and HRC-issued appointment memorandum. An exception to this is a Reserve Officers' Training Corps graduate who is appointed and enters active duty in the month of May or June of the same year. The PED (Promotion Eligibility Date) for officers entering in May or June is 18 months from the date the graduating class of the United States Military Academy (USMA) entered active duty for that particular year.

a. Active duty: Full-time duty (of 1 day or more) in the active military service of the United States (10 USC 101(22)). This term includes active duty for training, annual training, and full-time active duty under 32 USC 502 through 505. It does not include inactive duty for training (drill) or duty performed in a State status (National Guard personnel only).

b. Active status: The status of a member of a Reserve Component (RC) not in the inactive National Guard, or on an inactive status list, or in the Retired Reserve. Includes the Individual Ready Reserve (IRR).

c. Promotion eligibility date (PED) is a date used to establish the due course promotion date.

d. RASL Stands for Reserve Active Status List and includes all Reserve officers who are not on active duty. Officers on the RASL are eligible for promotion, continuation, or selective early removal.

e. ADL Stands for Active Duty List and includes all active-duty officers, except for Reserve officers serving on active duty for training or other special duties.

//NOTHING FOLLOWS//