

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 June 2025

DOCKET NUMBER: AR20240002274

APPLICANT REQUESTS: promotion to captain (CPT) or major (MAJ) in his U.S. Army Reserve (USAR) dual component status and a waiver if required.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statements
- Headquarters (HQs), Fifth U.S. Army appointment letter dated 22 March 1983 shows the applicant was appointed as a Reserve commissioned officer of the Army in the rank of second lieutenant (2LT)
- DA Form 71 (Oath of Office – Military Personnel) shows on 4 April 1983 the applicant was appointed as a Reserve commissioned officer in the rank of 2LT
- HQs, Fifth U.S. Army Orders Number 72-6 dated 13 April 1983, the applicant was assigned in the USAR Control Group (Dual Components) to accept an appointment in the USAR:
- Additional instructions stated: "This action does not affect current active duty status"
- DA Form 67-8 (U.S. Army Officer Evaluation Report) for the period of 22 March through 23 October 1983 shows the applicant was rated in the rank of 2LT; the form stated in Part IIIc "USAR officer on active duty as a Regular Army (RA) enlisted member"
- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was honorably released from active duty and assigned to the USAR Control Group (Reinforcement) on 30 December 1984 in the rank of specialist five
- On 18 January 1985, the applicant applied for a Federal recognition in the Army National Guard (ARNG), the application shows the applicant is a 2LT in the USAR Control Group (Reinforcement)
- National Guard Bureau (NGB) Form 337 (Oaths of Office) shows the applicant was appointed in the ILARNG in the rank of 2LT, effective 8 February 1985
- State of IL Military and Naval Department Orders Number 28-27 dated

8 February 1985 shows the applicant was appointed in the ARNG in the rank of 2LT

- DA Form 67-8 for rating period 8 February through 1 August 1985 the applicant received an evaluation due to a transfer to another component, the rater stated he did not complete Infantry Officer Basic Course (IN OBC)
- State of IL Military and Naval Department Orders Number 140-47 dated 2 August 1985 shows the applicant was separated from the ARNG, effective 2 August 1985, and assigned to the USAR Control Group (Reinforcement), Additional instructions stated termination of Federal recognition he became a USAR Officer
- NGB Form 22 (Report of Separation and Record of Service) shows the applicant requested release from the ARNG and was assigned to the USAR Control Group (Reinforcement), it is void of IN OBC completion
- NGB Form 23 (ARNG Retirement Credits Record) shows the applicant earned 19 inactive duty points, 7 membership points, and 15 active duty points
- DD Form 214 shows the applicant enlisted in the U.S. Navy on 17 January 1986 and was honorably discharged effective 21 August 1989 to accept an appointment to the U.S. Army Warrant Officer Candidate School
- DD Form 214 shows the applicant was appointed as a warrant officer on active duty effective 20 November 1989 and was honorably retired on 31 December 1994 and assigned to the USAR Control Group (Retired Reserve)
- Illinois State University transcript shows the applicant was awarded a Master in Science Criminal Justice degree on 18 December 2010
- Secretary of Army Memorandum of Instruction to the board of the Fiscal Year 2022 USAR and ARNG Colonel Promotion Selection Board dated 20 October 2021 shows the applicant highlighted on page 4;
 - "Training and Education – give due consideration to officer who pursue advanced degrees, particularly those with additional masters or a doctoral degree in fields relevant to the profession of arms"
- National University transcript shows the applicant was awarded a Doctor of Criminal Justice on 25 May 2023
- Army Regulation (AR) 600-39 (Dual Component Personnel Management Program), define Dual component personnel – RA or Army of the United States enlisted or Warrant Officer (WO) serving in that capacity on active duty; have been appointed and simultaneously hold status as Reserve commissioned officer or WOs

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:

- He was inadvertently passed over for promotion in his commissioned USAR dual component status
- On 4 March 1983, he commissioned as a 2LT in the IN under the dual component program
- At the time, he was enlisted on active duty
- Within 2-months of his commissioning he changed from IN to Military Police (MP) branch
- In February 1985, he joined the ILARNG during which he was not afforded the opportunity to attend the MP OBC
- An Army Regulation dictated he was to be sent to MP OBC and MP Officer Advance Course (OAC) while he was still on active duty
- If he had been allowed to attend both courses, he would have had more than 90-days of active commissioned service necessary for the Army Grade Determination Review Board to promote him, this was an administrative Army error out of his control
- The period of time between his commissioning and his retirement was over 11-years
- During which time, he should have been promoted to the rank of CPT and very likely MAJ
- He received a convenience of the government separation from the U.S. Navy in order to return to the Army as a warrant officer
- On 31 December 1994, he retired as a Chief Warrant Officer Two
- His DD Forms 214 do not reflect his commissioned dual component status
- He never received promotion or discharge papers from the inactive reserves
- He was not aware of this injustice until his family inquired about his commissioned rank
- To his knowledge he is still a 2LT with over 40-years time in grade
- He was not automatically promoted to the rank of first lieutenant as prescribed by regulation
- Promotions must be based on time in grade and qualification
- He did not attend MP OBC and OAC, but he graduated from the Criminal Investigative Division (CID) Warrant Officer Technical and Tactical Course which is similar to MP OBC and several management and leadership courses
- He demonstrated he is tactically proficient when he was awarded the Expert IN Badge and held the position of an IN platoon leader
- The missions of MP officer differ from those of an IN officer yet the core tactics remain consistent

- His military and civilian law enforcement experience validates his qualification as a higher ranking MP officer
- He stills serves today as a civilian law enforcement officer
- Outside of his civilian law enforcement experience, he earned a master and doctoral degrees in Criminal Justice

3. A review of the applicant's service record shows:

- On 22 June 1978, he enlisted in the Regular Army
- DA Form 2-1 (Personnel Qualification Record) shows in item 18 (Appointments and Reductions):
 - Private Two Date of Rank (DOR) 22 June 1978
 - Private First Class DOR 22 December 1978
 - Specialist Four DOR 4 October 1979
 - Sergeant DOR 7 August 1980
 - Specialist Five (SP5) DOR 7 August 1980 effective 13 October 1982
- On 18 July 1983, the USAR Components Personnel and Administration Center notified him that his request for branch transfer as 2LT from IN to MP was approved
- DD Form 214 shows in:
 - Item 4a (Grade, Rate or Rank): SP5
 - Item 4b (Pay Grade): E-5
 - Item 12a (Date Entered Active Duty This Period): Enlisted in the Regular Army on 31 December 1981
 - Item 12b (Separation Date This Period): 30 December 1984
 - Item 12h (Effective Date of Pay Grade): 13 October 1982
 - Item 18 (Remarks): Individual accepts direct assignment to the USAR Control Group (Reinforcement)
 - Item 23 (Type of Separation): Discharge
 - Item 28 (Narrative Reason for Separation): Expiration Term of Service
- On 20 January 1987, the USAR Personnel Center notified him he was not selected for promotion to the rank of first lieutenant because his records indicated he did not complete the military education requirements for his branch
- On 17 September 1985, he was honorably discharged from the USAR by Orders Number D-07-901866 dated 6 July 1987, additional instructions stated:
 - All Reserve of the Army and Army of the United States appointments were terminated

- "As you no longer have any military status, your records are no longer held by the Army"
- On 6 November 1989, he was ordered to active duty in the rank of warrant officer one by Orders Number 218-71-A-74 dated 13 November 1989
- On 23 August 1989, DD Form 214 shows he entered the RA to attend WO Candidate School, he was discharged from active duty, effective 19 November 1989 to accept a WO appointment
- On 20 November 1991, he was appointed as a Reserve commissioned officer in the rank of chief warrant officer two (CW2)
- On 4 January 1993, he accepted selection for extension of active duty in a voluntary indefinite status
- On 12 September 1994, he requested to be released from active duty and placed on the retired list, effective 1 January 1995
- On 31 December 1994, he was retired from active service and placed on the retired list, effective 1 January 1995, by Orders Number S230-2 dated 6 December 1994
- DD Form 214 shows in:
 - Item 4a: CW2
 - Item 4b: W2
 - 12h: 20 November 1991
 - Item 18: Member is retiring as provided by Section 4403 of the Fiscal Year 1993 National Defense Authorization Act and may qualify for a recomputation of retired pay at age 62
 - Item 23: Retirement
 - Item 28: Voluntary Early Retirement

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the Board found the applicant never served in the rank of CPT/MAJ during his period of military service and failed to meet the qualifications for either promotion. As a result, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's rank in the USAR.

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. Army Regulation (AR) 600-39 (Dual Component Personnel Management Program) in effect at the time, provides policies governing the Army's Dual Component Personnel Management Program. This program allows the Department of the Army (DA) to quickly meet mobilization requirements through procurement of trained commissioned and warrant officers from enlisted and warrant officer (WO) ranks of the Regular Army (RA).

a. Paragraph 13 (Eligibility criteria), the following members are eligible to apply for dual component status: a. RA WOs who have not been: twice passed over for promotion or otherwise released from active status because of failure to be promoted to a higher commissioned grade. RA enlisted persons in the Armed Forces qualified under AR 135-100.

b. Paragraph 21 (Promotion), commissioned officers and WOs assigned to the USAR Control Group (Dual Components) are non-unit officers whose promotion in the USAR is governed by AR 135-155. Members normally are considered for promotion in the calendar year before the calendar year in which they are eligible. Commanders and Military Personnel Records Jacket custodians will: ensure that these members are aware that, for promotion in the USAR, they must meet eligibility requirements. These include completion of resident officer basic and career development courses. Encourage enrollment in non-resident of USAR lieutenants in resident officer basic courses of instruction and completion of academic studies. This will allow members to be competitive with their USAR peers. Eligible dual component members who are in the zone of consideration by a mandatory selection board will submit photographs for Reserve officer promotion consideration.

3. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers Other than General Officers) in effect at the time, prescribes policy and procedures used in the selection and promotion of commissioned officers of the Army National Guard of the United States (ARNGUS). This regulation also applies to commissioned and warrant officers' (WO) of the U.S. Army Reserve (USAR). Table 2-2 (Educational Requirements) for promotion from second lieutenant to first lieutenant is completion of resident officer basic course (see note 1), Note one: Officers assigned to dual component preceding their promotion eligibility to first lieutenant are not required to meet the educational requirement for promotion to 1LT. Promotion under these circumstances does not negate the requirement to complete the resident officer basic course at a subsequent date. Officer enrolled in a resident basic course who are otherwise eligible will also be considered to have satisfied the education requirement for promotion to 1LT.

4. AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army) in effect at the time, establishes responsibility and provides procedures for the appointment of male and female commissioned and warrant officers in the Reserve Components of the Army.

a. Paragraph 1-5 (Ineligible) r. (1) Regular Army warrant officers whose appointment would cause them to hold dual warrant officer status. However, they may apply for direct appointment as a commissioned or warrant officer with concurrent active duty, provided a resignation from their Regular Army status is submitted. (2) Regular Army warrant officers may apply for direct appointment as USAR commissioned officers, without concurrent active duty, to participate in the Dual Component Personnel

Management Program (AR 600-39). Appointment for this program requires discharge from Regular Army warrant officer status the day before the reporting date of entry on active duty as a commissioned officer. An RA warrant officer who was twice passed over for promotion or otherwise released from active duty or active status because of failure to be promoted to a higher commissioned officer grade is ineligible for appointment under this program.

b. Paragraph 3-33 a Although Reserve enlisted personnel and Reserve officers are eligible for appointment under this regulation, acceptance of appointment under this regulation, acceptance of appointment as a Reserve warrant officer will automatically, terminate any other Reserve status held by the individual concerned. (2) Enlisted personnel in the active military service of the Armed Forces provided they apply for active duty (DA Form 160) with their application for appointment. Such applicants will be considered for appointment in the Dual Component Program under AR 600-39 only after they have been considered for appointment with concurrent active duty as required by paragraph 1-2b(4).

//NOTHING FOLLOWS//