

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 December 2024

DOCKET NUMBER: AR20240002369

APPLICANT REQUESTS: in effect, consideration of her record before a Special Selection Board (SSB) for promotion to captain (CPT)/O-3 based on the Fiscal Year (FY) 2023 Reserve Component (RC) CPT Army Promotion List (APL) Promotion Board criteria.

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

- DD Form 149 (Application for Correction of Military Record)
- Screenshot
- Email communication

FACTS:

1. The applicant states in pertinent part that she was not selected for promotion during the FY23 RC CPT APL Promotion Board due to not being educationally qualified. She contests that she received an email on 14 March 2023, from her Career Manager regarding the unsuccessful review of her bachelor's degree transcript. In response, she provided a copy of her undergraduate transcript via email on 20 March 2023; confirmed receipt on 23 March 2023. Her Career Manager advised that the document would be uploaded into her Integrated Personnel Management System (iPERMS) file and her education qualification would be updated as well. On 19 October 2023, she noticed that she was not selected for promotion to CPT. After speaking with her Career Manager, she was advised that her non-selection was due to being deemed educationally unqualified. Further investigation revealed that her transcript was not uploaded into IPERMS until 9 January 2024.

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

- a. On 11 May 2019, the applicant was appointed a Reserve commission at the rank/grade of second lieutenant (2LT)/O-1.
- b. On 12 May 2019, the applicant's bachelor's degree was conferred at the Scripps Howard School of Journalism and Communications.

c. On 6 April 2021, the applicant completed the Adjutant General Basic Officer Leaders Course.

d. On 14 October 2021, the U.S. Army Human Resources Command issued Orders Number B-10-105522 announcing the applicant's promotion to the rank/grade of first lieutenant (1LT)/O-2, effective 6 April 2021.

e. On 27 September 2024, the Department of the Army issued Orders Number 9671264 announcing the applicant's promotion to the rank/grade of CPT, effective 4 September 2024.

3. The applicant provides the following a:

a. Screenshot reflective of a listing of the documents currently reflected within the applicant's IPERMS. The applicant highlights that her official transcripts were not uploaded into IPERMS until 9 January 2024.

b. Email communication reflective of communication between the applicant and her Career Manager between 14-23 March 2023, concerning her being deemed educationally unqualified by the FY23 RC CPT APL Promotion Board. On 20 March 2023, the applicant emailed a copy of her official transcript to her Career Manager; 22 March 2023, Career Manager acknowledged receipt and advised that he would upgrade the applicant's educational qualification; 23 March 2023, the Career Manager advised the applicant that she was "good to go."

4. On 7 November 2024, Headquarters, U.S. Army Reserve Command, Chief, Officer Management Branch, provided an advisory opinion noting that a review of the applicant's personnel records reflects that during the FY23 RC CPT Promotion Selection Board (PSB), the applicant was considered, but not selected, for promotion. In October 2023, the applicant was notified by the Readiness Division that she was not selected for promotion during the PSB, no reason was provided for the board's decision. The applicant was considered a second time during the FY24 RC CPT PSB and selected for promotion. On 27 September 2024, she was promoted to CPT with a 4 September 2024 effective date.

5. On 13 November 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 27 November 2024, the applicant has not responded.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the request and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request available military records and Headquarters, U.S. Army Reserve Command, Chief, Officer Management Branch advisory opinion, the Board noted the advising official stating the applicant was a non-select on her first look, however for the FY24 promotion board she was selected to promotion to CPT with an effective date of 4 September 2024.

2. The Board determine official promotion and selection boards select members for promotion based upon their performance and potential; the Board does not explain why an individual was not selected. The Board may refer records to appear before a special selection board (SSB) for promotion consideration when there is a clear error or injustice. The Board agreed the request for relief has no merit as the available evidence does not clearly indicate that the conditions for referring the applicant to an SSB was met. The Board determined there is insufficient evidence to support the applicant's contentions for consideration of her record going before a Special Selection Board (SSB) for promotion to captain (CPT)/O-3 based on the Fiscal Year (FY) 2023 Reserve Component (RC) CPT Army Promotion List (APL) Promotion Board criteria. As such, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

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 600-8-29 (Officer Promotions) provides policies, operating rules, and steps governing promotion of Army commissioned and warrant officers on the active-duty list. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve commissioned and warrant officers.

a. Paragraph 2-2 (Notification) provides that Officers are notified of upcoming selection boards via military personnel messages approximately 100 days from the board convene date. Officers eligible for promotion will be individually notified of their eligibility through the My Board File (MBF) Application available on the Self-Service portal of the Human Resources Command (HRC) website, which opens approximately 60 days prior to the convene date of each board. Officers are responsible for presenting accurate information to the PSB. Officers must review their MBF and contact their servicing S1 or assignment officer to correct and update their records. Failure to apply due diligence is not a basis for reconsideration for promotion. Promotion screening authorities will review the AMHRR of eligible 1LTs to consider the officers for promotion to the grade of CPT. Promotion screening authorities will place the names of officers in the promotion zone on a recommended all-fully qualified officers list. PSBs will keep confidential their reasons for recommending or not recommending an officer considered.

b. Section II (Promotion Selection Boards and Promotion Certification Process) provides that the Secretary of the Army (SECARMY) will convene selection boards to

recommend officers for promotion to the next higher grade according to 10 USC 573 or 10 USC 611. The boards will select commissioned officers for promotion to Captain – Major General. To be considered for promotion by a selection board, an officer must be on the Active-Duty List (ADL) on the day the board convenes. An officer must have at least 18 months of Time in Grade (TIG) to be promoted from 2LT to 1LT and 2 years of TIG to be promoted from 1LT to CPT (10 USC 619) unless the SECARMY prescribes a longer period of service in grade based on the needs of the Army.

c. Officers who discover that a material error existed in their file at the time they were non-selected for promotion may request reconsideration. Reconsideration will normally not be granted when the error is minor or when the officer, by exercising reasonable due diligence, could have detected and corrected the error. To determine if there is an error in the promotion file, the officer may request a copy of his or her MBF, as considered by the PSB, from the Commanding General, U.S. Army Human Resources Command, Promotions Branch (AHRC–PDV–PS), 1600 Spearhead Division Avenue, Department 472, Fort Knox, KY 40122–5407 or usarmy.knox.hrc.mbx.tagd-opsa@mail.mil. SSB requests must be forwarded to HRC within 12 months after the board's results are released. Requests submitted after this time must be submitted to the Army Review Boards Agency.

d. Chapter 6 (Special Selection Board (SSB) provides that SSBs may be convened under Title 10, United States Code (USC), section 628 (SSB) to consider, or reconsider commissioned or warrant officers for promotion when Headquarters Department of the Army (HQDA) determines that one or more of the following circumstances exist:

- Administrative error (Title 10, USC, section 628(a)(1)) (SSB required) - an officer was not considered from in or above the promotion zone by a regularly scheduled board because of administrative error
- Material unfairness (Title 10, USC, section 628(b)(1)) (HRC discretionary)

An officer will not be considered or reconsidered for promotion by an SSB when the following occurs:

- The officer is pending removal from a promotion or recommended list and the removal action was not finalized by the SECARMY before the next selection board convened to consider officers of his or her grade
- An administrative error was immaterial, or the officer, in exercising reasonable diligence, could have discovered and corrected the error in the Officer Record Brief (ORB) or the Official Military Personnel File (OMPF); the ORB is a summary document of information generally available elsewhere in the officer's record; It is the officer's responsibility to review his or her ORB and OMPF before the board convenes and to notify the board, in writing, of possible administrative deficiencies.

- Letters of appreciation, commendation, or other commendatory data for awards below the Silver Star are missing from the officer's OMPF
- The Promotion Selection Board did not see an official photograph
- The PSB did not consider correspondence to the board president that was delivered to the Total Army Personnel Command after the cutoff date for such correspondence established in the respective promotion board zone of consideration message

2. Title 10, United States Code, section 14104 (Nondisclosure of Board Proceedings) states the proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5. (b)Prohibited Uses of Board Discussions, Deliberations, Notes, and Records.—The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations—

- are immune from legal process
- may not be admitted as evidence; and
- may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.

3. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//