

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 January 2025

DOCKET NUMBER: AR20240002732

APPLICANT REQUESTS: correction of his Date of Rank (DOR) for lieutenant colonel (LTC) to be backdated from 29 December 2022 to 25 September 2022 with full pay and allowances.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Officer Record Brief
- Personnel Qualification Record
- DA Form 67-10-2 (Field Grade Plate (O4 through O5, CW3 through CW5) Officer Evaluation Report (OER) ending 28 February 2017
- Columbia Southern University Transcript
- OER ending 1 December 2017
- OER ending 12 July 2018
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report (AER)
- DA Form 705 (Army Physical Fitness Test (APFT) Scorecard
- National Guard Bureau (NGB) Special Orders Number 306
- OER ending 13 June 2020
- OER ending 23 May 2021
- DA Form 705 (Army Combat Fitness Test (ACFT) Scorecard)
- DA Form 5500 (Body Fat Content Worksheet)
- NGB Memorandum, Subject: Fiscal Year 2022 (FY22) Army National Guard (ARNG) Title 10 Active Guard Reserve (AGR) Major (MAJ), LTC and Colonel (COL) Promotion Recommendation
- NGB Memorandum, Subject: Verification of Security Clearance
- Email Traffic Regarding Federal Recognition
- Email Traffic Regarding Unit Vacancy Position (UVP)
- Email Traffic Regarding Scroll Status
- NGB Special Orders Number 16
- Commissioned Officer Unit Vacancy Checklist
- Promotion Packet Timeline

- DD Form 149 from Army Board for Correction of Military Records (ABCMR)
Docket Number AR20230003789

FACTS:

1. The applicant states there were three specific areas that contributed to his erroneous effective DOR:

a. First, the District of Columbia (DCARNG) incorrectly submitted his packet as a Department of the Army selection, when it was to be submitted as a UVP packet on 19 May 2022. Depending on the promotion rank should have taken at most a week at the state level. This error caused a 79-days delay in the processing process.

b. The second contributing factor in his packet being delayed was the AGR control grade approval from the NGB. The control grade was delayed 11-days versus the average processing time on one to three-days.

c. The third contributing factor was the delay in the promotion list being signed by the NGB to be forwarded for final approval. The timeframe was delayed more than 7-days when the average processing time should have been one to two-days.

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

a. With prior Regular Army and ARNG enlisted service, the applicant executed his oath of office and was appointed as a Reserve commissioned officer on 19 June 2008 in the rank/grade of second lieutenant (2LT)/O-1.

b. On 8 September 2008, Special Orders Number 228, issued by the NGB shows the applicant was initially appointed in the rank of 2LT, effective 19 June 2008 in the DCARNG and was extended Federal recognition.

c. On 23 December 2008, the applicant was awarded a bachelor of arts degree in Business Administration.

d. FS Form 1059 (Basic Officer Leader Course (BOLC) Evaluation Report shows the applicant achieved course standards during the period of 16 March through 23 April 2009.

e. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Quartermaster BOLC during the period of 4 May through 23 July 2009.

f. DA Form 1059 shows the applicant achieved course standards for the Maneuver Captain (CPT) Career Course (CCC) Phase II during the period of 29 November through 11 December 2010.

g. DA Form 1059 shows the applicant achieved course standards for the Reserve Component Maneuver CCC Phase IV during the period of 23 January through 5 February 2011.

h. On 17 May 2012, Special Orders Number 186, issued by the NGB shows the applicant was promoted to the rank/grade of CPT/O-3, effective 11 May 2012 and was extended Federal recognition.

i. On 11 July 2012, the applicant executed his oath of office and was appointed in the TXARNG in the rank of 1LT and was extended temporary Federal recognition.

j. On 27 August 2012, Special Orders Number 314, issued by the NGB shows the applicant executed an interstate transfer to the TXARNG, effective 11 July 2012.

k. The applicant was ordered to active duty on two occasions during the period of 29 March 2008 through 14 July 2014.

l. On 5 October 2015, the applicant executed his oath of office in the DCARNG in the rank of CPT and was extended temporary Federal recognition.

m. On 2 November 2015, Special Orders Number 239, issued by the NGB shows the applicant executed an interstate transfer to the DCARNG, effective 5 October 2015.

n. On 1 February 2018, Special Orders Number 31, issued by the NGB shows the applicant was promoted to the rank/grade of major (MAJ), effective on with a DOR of 25 January 2018.

o. DA Form 1059-2 shows the applicant successfully graduated Intermediate Level Education (ILE) during the period of 13 August 2018 through 14 June 2019.

p. On 28 October 2019, Special Orders Number 306, issued by the NGB shows the effective date and DOR for the applicant's promotion to MAJ was amended to 24 August 2017 from 25 January 2018.

q. On 12 January 2023, Special Orders Number 16, issued by the NGB shows the applicant was promoted to the rank/grade of LTC/O-5, effective on with a DOR of 29 December 2022.

r. On 2 April 2024, Special Orders Number 126, issued by the NGB shows the applicant's DOR for his promotion to LTC was amended from 29 December 2022 to 22 November 2022.

s. On 5 September 2024, Special Orders Number 347, issued by the NGB shows the applicant's effective date for his promotion to LTC was amended from 29 December 2022 to 22 November 2022.

3. The applicant provides:

a. A self-authored statement which outlines why the applicant's promotion was delayed and the negative impacts due to the delay. The statement is provided to the Board in the supporting documents for review.

b. Multiple DA Forms 67-10-2 which shows his raters rated his overall performance as excels and his senior raters rated his potential as highly or most qualified.

c. Columbia Southern University transcript shows the applicant was awarded a Master of Business Administration effective 27 April 2017.

d. DA Form 705 (APFT) shows the applicant obtained a score of 300 of the APFT taken on 10 October 2019.

e. DA Form 705 (ACFT) shows the applicant obtained a score of 523 on the ACFT taken on 4 November 2021.

f. DA Form 5500 showing the applicant passed his body fat composition screening.

g. NGB Memorandum, Subject: FY22 ARNG Title 10 AGR MAJ, LTC, and COL Promotion Recommendation, dated 16 March 2022, which shows the applicant was recommended for promotion to LTC by the promotion panel and projected vacant controlled grade authorizations. To be extended a Federal recognition in the next higher grade, the recommended officer must coordinate with their unit to certify officer recommended for promotion was eligible and fully qualified.

g. NGB Memorandum, Subject: Verification of Security Clearance, dated 11 April 2022, which stated the applicant was granted a secret security clearance on 18 December 2009.

h. Emails dated 13 and 14 June 2022 regarding the applicant's Federal recognition stated all officer Federal recognition action as of 4 April 2022 will be processed via the eTracker. He was notified his packet would be going before the 28 June 2022 Federal recognition board. His packet was submitted as being considered by the Department of

the Army selection board. However, the applicant informed his unit that his packet was to be submitted for consideration before the UVP board.

i. Email dated 22 July 2022 which the applicant was notified his packet was resubmitted to the NGB for the UVP via eTracker effective 20 July 2022.

j. Email dated 16 September 2022 which the applicant was informed his packet was waiting control grade approval. He was also informed the normal processing time for the scroll could take 120-days.

k. Promotion packet timeline shows the applicant requested a UVP packet checklist on 8 April 2022 which he received the same day. On 19 May 2022, the applicant received the promotion recommendation memorandum and his assignment orders from the NGB and on the same day he submitted his UVP packet to the DCARNG. Which was forwarded to the NGB Federal recognition board which convened on 24 May 2022. However, the NGB notified him that his Federal recognition packer was incomplete and was being returned for missing a form and his packet would be returned to the DCARNG. The applicant's packet was boarded and resubmitted to the NGB but was returned inadvertently due to a misinterpretation of the documents on 28 June 2022. On 13 July 2022, the DCARNG was directed by the NGB to resubmit his packet for the UVP. ON 18 August 2022, the DCARNG resubmitted his UVP packet for Federal recognition, by this time his pack was delayed more than 79-days from his initial submission. On 20 September 2022, the NGB approved his AGR control grade and was waiting to be added to the promotion screening list. On 29 December 2022 the Federal recognition was signed by the Secretary of Defense and his promotion order was published.

4. On 30 January 2024, in the processing of this case, the NGB, provided an advisory opinion regarding his request for the amendment of his DOR for his promotion to LTC. The advisory official recommended approval of the applicant's request for his effective date and DOR for his promotion to LTC to be backdated from 29 December 2022 to 25 September 2022 due to the length of the processing time for his Federal recognition. A review of the applicant's request it was determined his promotion packet had a long delay at the unit level that was caused by the misinterpretation if his packet was to be boarded by the Department of the Army selection board or a UVP selection. This misinterpretation caused an additional delay at the ARNG Federal recognition section. The delay was no fault of the applicant. Title 10 United States Code (USC), section 14308(f) stated the effective date of a promotion of a Reserve commissioned officer of the Army or the Air Force who was extended a Federal recognition in the next higher grade shall be the date on which such Federal recognition in that grade was so extended.

5. On 8 March 2024, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment.

6. On 8 March 2024, the applicant responded via e-mail stating he concurred with the advisory opinion.

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 available documentation and the findings and recommendation outlined in the NGB advisory opinion, as well as the concurrence of those findings and recommendation received from the applicant, the Board concluded there was sufficient evidence to change the applicant's DOR and EDOR to LTC to reflect 25 September 2022.

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 LTC to reflect 25 September 2022. All appropriate backpay based upon this change should also be paid to the applicant.

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 United States Code (USC), section 14308 (Promotions: how made), (a) (Promotion List), when the report of a selection board convened is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active status list or based on particular merit, as determined by the promotion board. A promotion list is considered to be established as of the date of the approval of the report of the selection board under the preceding sentence. (e) (Army Reserve and Air Force Reserve Promotions To Fill Vacancies), (1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and (2) an officer in a grade below colonel in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened may be promoted at any time to fill the vacancy for which the officer was selected. (f) (Effective Date of Promotion After Federal Recognition), (1) The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard shall be the date on which such Federal recognition in that grade is so extended. (2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100-days from the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the

delay was not attributable to the action or inaction of such officer: (A) in the event of State promotion with an effective date before 1 January 2024, the effective date of the promotion concerned may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and (B) in the event of State promotion with an effective date on or after 1 January 2024, the effective date of the promotion concerned shall be adjusted by the Secretary concerned to the later of: (i) the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and (ii) the date on which the officer occupies a billet in the next higher grade.

2. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions), prescribes policies and procedures governing the appointment, assignment, temporary Federal recognition, Federal recognition of commissioned officer of the Army National Guard (ARNG).

a. Paragraph 3-5 (Categories requiring Federal Recognition Board action), FRB action is required for the following:

- Initial appointment
- Reappointment
- Appointment of USAR officers in the same grade but in new branch, except Second Lieutenants that have not completed a basic officer course or its equivalent
- Transfer of ARNG officers between States in a new branch, except 2LTs who have not completed a basic officer course or its equivalent
- Promotion
- Branch Transfer
- Personal or electronic appearance is mandatory for the following:
 - Direct
 - OCS
 - Non-recommendation by previous FRB

b. Paragraph 8-1 (Promotions for other than general officers), a. The promotion of officers in the ARNG is a function of the State. As in original appointments, a commissioned officer promoted by State authorities has a State status in the higher grade under which to function. However, to be extended Federal Recognition in the higher grade, the officer must have satisfied the requirements prescribed herein. b. National Guard officers may be considered and found qualified for Federal Recognition of their State promotion using two distinct processes: State Federal Recognition Boards and DA Mandatory Boards. Under either process, the precedent for an actual promotion in the Army National Guard is State assignment and appointment to the next higher

grade. (1) State Federal Recognition Boards (FRB). Officers may be federally recognized through State FRB which are often referred to as "State vacancy promotion boards" or "unit vacancy boards" as part the Unit Vacancy Promotion (UVP) process.

(2) DA Mandatory Boards. The second way to federally recognize the State promotion is through the DA Mandatory Promotion Selection Boards process. Mandatory promotion selection boards are convened by the Secretary of the Army. Those National Guard officers selected ("DA Select") by a DA mandatory board who are then appointed by the State in that higher grade to fill a vacancy in the Army National Guard are extended Federal Recognition in that grade.

c. Paragraph 8-3 (Promotion as a Reserve Commissioned Officer of the Army), a commissioned officer who has been promoted by the State and extended Federal Recognition in the higher grade will be concurrently promoted to the higher grade in the Reserves of the Army with assignment to the ARNGUS. a. An officer's effective date and DOR as a Reserve of the Army will be determined by their duty status, type of selection board which selected the officer, and delay status (if applicable), and will be as defined below, unless otherwise provided by law. CNGB will extend Federal Recognition in the higher grade to an ARNG commissioned officer using NGB Form 0122E series orders (NGB Special Federal Recognition Orders). (1) The Effective Date determines the officer Federal pay and allowances in the next higher grade. The Effective Date is determined when CNGB in conjunction with the Secretary of Defense (SECDEF) approval or the Senate confirmation date (COLs only). The Effective Date is displayed as the "A" Date on the Promotion as a Reserve Commissioned Officer of the Army Memorandum for Commissioned Officers. (2) The DOR is the date the Officer actually or constructively was appointed or promoted to a specific grade.

3. Department of Defense Instruction 1310.01 (Rank and Seniority of Commissioned Officers) states the Secretary of the Military Department concerned may adjust the DOR of an officer, except a general or flag officer, appointed to a higher grade under Title 10, USC, 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//