

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2025

DOCKET NUMBER: AR20240002925

APPLICANT REQUESTS:

- Correction of his Date of Rank (DOR) to the rank/grade of captain (CPT)/O-3 to reflect 29 July 2019
- A personal appearance before the Board via video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Unit Manning Report (UMR) for Honduras, dated 2 January 2019 showing he was working with the Medical Deployable Support Command in the rank/grade of first lieutenant (1LT)/O-2 and his DOR was 8 May 2016
- Orders Number 19-224-00001, dated 12 August 2019 attaching him to the 911th Medical Command Forward Surgical Team, effective 6 September 2019
- DD Form 214 (Certificate of Release or Discharge from Active Duty), showing his service in Honduras from 25 October 2018 to 5 September 2019 in the rank of 1LT
- Orders Number B-12-908944, dated 9 December 2019 to be addressed in the service record
- Email correspondence showing he was unable to be submitted for promotion due to the orders for transfer to the 911th on 6 September 2019

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, in part:

- While deployed with a different unit, he served in an eligible position for promotion

- After returning from mobilization and transferring to a new unit he was eligible for promotion at the time of the board selection on 29 July 2019 (released on 8 August 2019), showed he was not listed because the unit at the time stated they were unable to process the promotion due to the recent transferring of units
- He was unaware that this date affected his ability to be promoted from O-3 to O-4 or that he could submit for a Board correction until speaking with a representative at the U.S. Army Human Resource Command (HRC) in person on 28 November 2023

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

- A Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army, dated 20 January 2017 was issued appointing him as a Reserve commissioned officer, effective 3 February 2017
- On 3 February 2017, he executed an oath of office in the Army Nurse Corps; in conjunction, DA Form 5074 (Record of Award of Entry Grade Credit (Health Services Officers)) showed he was awarded the entry rank of 1LT with a DOR of 8 May 2016
- Orders Number UO-213-0012, dated 1 August 2018 was issued ordering him to active duty in support of Operation Central Skies, for a period of 365 days, effective 28 October 2018
- Orders Number UO-267-0003, dated 24 September 2019 was issued ordering him to active duty in support of Operation Freedom's Sentinel, for a period of 400 days, effective 2 February 2020, with the 911th Medical Team
- Orders Number B-12-908944, dated 9 December 2019 was issued for retroactive promotion to the rank/grade of CPT/O-3, effective on with a DOR of 6 September 2019
- He continues service with the U.S. Army Reserve

4. On 9 December 2024, the HRC, Chief, Officer Promotions Board Announcements, Support and Promotion Orders provided an advisory opinion recommending disapproval of the applicant's request stating, in part:

a. Based on a review of the information provided, our records, laws, regulations, policies and the systems available to HRC Officer Promotions, we find that the applicant's request to adjust his DOR does not have merit.

b. The applicant (1LT at the time) was promoted, effective 6 September 2019, based on a validated AHRC 56-R Form (currently known as DA Form 7774 (Promotion Qualification and Verification Statement)) received by HRC Officer Promotions from his command, verifying his position assignment date as its sole occupant. In accordance with, Army Regulation (AR) 135-155 (Promotion of Commissioned Officers and Warrant Officers other than General Officers), Troop Program Unit (TPU) or promotion of unit

officers may be promoted ahead of their maximum promotion eligibility date, time in grade at the request of the officer's command (unless proven otherwise ineligible).

c. It appears that he was mobilized involuntary prior to 6 September 2019. Unfortunately, they have no proof, no record or document from his command to affirm that an earlier request to promote date was submitted to our office via AHRC 56-R, verifying that he was matched against a valid vacant Reserve Component position which grade was commensurate to the grade selected, prior to his current DOR of 6 September 2019.

d. Therefore, any adjustment of rank, DOR, effective date or associated back pay and allowances granted by the ABCMR, should only occur upon his command submitting proof, it requested promotion by an AHRC Form 56-R, (properly annotated) involuntary mobilization orders and a UMR (during this time).

5. On 19 December 2024, the applicant was provided with a copy of the advisory opinion and afforded an opportunity to respond.

6. On 30 December 2024, the applicant responded to the advisory opinion stating, in part:

a. At the time of his promotion availability on 7 August 2019, he was mobilized and matched against a valid Reserve Component vacant position. However, the request for promotion orders process was cancelled as he was already issued orders to transfer to another Reserve unit in support of additional mobilization to Kandahar Airfield under Operation Enduring Freedom.

b. He provides a timeline showing his request for promotion orders to the rank of CPT and the interactions that detail the unit's inability to promote him for the active reassignment orders in place. Full description is available in the supporting documents.

c. In conjunction with the response, he provides the following documents as supporting evidence:

- Memorandum for Involuntary Mobilization, dated 21 May 2018
- Orders Number UO-213-0012, dated 1 August 2018
- UMR, dated 2 January 2019
- Orders Number UO-267-0003, dated 24 September 2019
- Orders Number 19-224-00001, dated 12 August 2019
- Orders Number B-12-908944, dated 9 December 2019
- Email correspondence

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 petition and executed a comprehensive review based on law, policy, and regulation. The Board reviewed and concurred with the HRC advisory opinion recommending disapproval based on the applicant being mobilized and not being in a valid Reserve Component vacant position. Based on this the Board determined relief was not warranted and denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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. 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. AR 135-155 (Promotion of Commissioned Officer and Warrant Officer Other Than General Officers), in effect at the time prescribes policy and procedures used for selecting and promoting commissioned officers (other than commissioned warrant officers) of the Army National Guard of the United States (ARNGUS) and of commissioned and warrant officers (WO) of the U.S. Army Reserve (USAR).

a. Table 2-1 states promotion from 1LT to CPT requires 2 years minimum in the lower grade and a maximum of 5 years.

b. Paragraph 4-21 (Effective dates), except as provided elsewhere in this regulation, the effective date of promotion may not precede the date of the promotion memorandum. An officer is promoted after selection if all qualifications for promotion are met. When an officer does not meet the qualifications for promotion, the effective date of promotion will not be earlier than the later date all qualifications are met. In no case, will the DOR or effective date of promotion be earlier than the date the board is approved, or, if required, the date of Senate confirmation.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//