

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240003204

APPLICANT REQUESTS: adjustment of his Date of Rank (DOR) to first lieutenant (1LT) from 31 January 2024 to 8 November 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Reserve Officers' Training Corps (ROTC) East Carolina University Memorandum, Subject: Appointment of a Reserve Commissioned Officer of the Army under Title 10 United States Code (USC), section 12203
- DA Form 5016 (Retirement Accounting Statement)
- Email traffic from the 7th Mission Support Command (MSC)
- Department of the Army Orders Number 7322257
- Email traffic from the U.S. Army Human Resources Command (AHRC)

FACTS:

1. The applicant states he requests the adjustment of his DOR to first lieutenant (1LT) from 31 January 2024 to 8 November 2022. He was commissioned on 8 May 2021 and his promotion to the rank of 1LT was automatic at 18-months' Time in Grade (TIG). At this time, he did not have any suspensions of favorable personnel action, but his automatic promotion was delayed to the brown out for the transition to the Integrated Personnel and Pay System – Army (IPPS-A) and his transition from the Army National Guard (ARNG) to the U.S. Army Reserve (USAR).

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

a. With prior ARNG enlisted service, the applicant executed his oath of office on 8 May 2021 and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1. He was subsequently appointed in the [REDACTED] ARNG in the rank of 2LT and was extended temporary Federal recognition.

b. On 5 June 2021, Orders Number 1216388, issued by [REDACTED] ARNG Army Element Joint Force Headquarters, the applicant was voluntarily separated, effective 7 May 2021, to accept a commission.

c. On 7 October 2021, Special Orders Number IP-3266, issued by the National Guard Bureau (NGB), the applicant was initially appointed in the [REDACTED] ARNG in the rank of 2LT, effective on with a DOR of 8 May 2021, and extended Federal recognition.

d. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Ordnance (OD) Basic Officer Leader Course (BOLC) during the period of 7 March through 23 June 2022.

e. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty for training on 4 March 2022 to attend the OD BOLC. He was honorably released from active duty on 23 June 2022 after successful completion of the course. DD Form 214 shows the applicant completed 3-months and 20-days of active service. It also shows in item 14 (Military Education) he completed the OD BOLC.

f. NGB Form 22 (Report of Separation and Record of Service) shows the applicant was honorably released from the ARNG due to resignation from the ARNG and assigned to the USAR Control Group (Reinforcement), effective 7 November 2022. It also shows he completed 1-year and 6-months of service.

g. On 6 March 2023, Special Orders Number 90, issued by the NGB, the applicant was transferred to the USAR, and his Federal recognition was withdrawn on 8 November 2022.

h. On 21 February 2024, Orders Number 7322257, issued by the Department of the Army, the applicant was promoted to the rank/grade of 1LT/O-2, effective on with a DOR of 31 January 2024.

i. On 27 February 2024, Orders Number 3946036, issued by the Department of the Army, the applicant was assigned to a USAR Troop Program Unit in Grafenwöhr, Germany, effective 8 November 2022.

3. The applicant provides:

a. ROTC [REDACTED] University Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army under Title 10 USC, section 12203, dated 8 May 2021 shows the applicant was appointed in the rank of 2LT in the Reserve component, effective 8 May 2021. His Reserve component scroll was 4 November 2020.

b. DA Form 5016 dated 24 March 2023, shows the applicant transitioned from the ARNG to the USAR effective 8 November 2022.

c. E-mail traffic with the 7th MSC Inspector General Office dated 25 January 2024, the applicant was notified that alignment issues with IPPS-A caused problems with the processing of personnel actions. The 7 MSC G1 found out from AHRC the applicant was identified to be scrolled on the Fiscal Year 2024 (FY24), quarter four 1LT USAR Scroll which was submitted for approval in October 2023 and the orders processing could be approximately 180-days. Although the scroll was delayed, his promotion should be backdated to the date in which he would have received his automatic promotion.

d. Email traffic with the AHRC dated 23 January 2024 which notified the 7th MSC Army Reserve Administrator the applicant was identified to go before the FY24 quarter four 1LT Scroll which was submitted for approval in October 2023 and the processing could take approximately 180-days.

4. On 27 November 2024, in the processing of this case, the U.S. Army Reserve Command (USARC), Chief, Officer Management Branch, provided an advisory opinion regarding the applicant's request for the adjustment of his DOR to 1LT. The advisory official stated they supported the applicant's request for his promotion to the rank of 1LT at 18-months TIG. He fulfilled all statutory and regulatory conditions for automatic advancement to 1LT in accordance with Army Regulation (AR) 135-155 (Promotion of Commissioned Officer and Warrant Officers Other Than General Officers). The USARC G-1 recommends that his DOR be adjusted to 18 months from the date the 2021 graduating class of the U.S. Military Academy entered active duty.

5. On 3 December 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

#### 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 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 U.S. Army Reserve Command's advising official finding that the applicant's promotion was automatic from the date of his 2021 graduating class of the U.S. Military Academy and therefore should be adjusted to 8 November 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 the Army records of the individual concerned be corrected by issuing the applicant a Special Order extending him Federal recognition for promotion to 1LT with an effective date and date or rank as 8 November 2022, with entitlement to back pay and allowances, if applicable, as a result of this correction.

4/8/2025

X

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. 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, reassignment, transfers between States, branch transfers, area of concentration designation, utilization, branch detail, and attachment of commissioned officers of the Army National Guard (ARNG).

a. Paragraph 8-2 (Promotion criteria), promotion criteria will be based on efficiency, TIG, time in commissioned service, demonstrated command and staff ability, Military Education (MILED) and civilian education (CIVED), and potential for service in the next higher grade.

b. Paragraph 8-3 (Promotion as a Reserve Commissioned Officer of the Army), effective Date and DOR Determinations: 1LT; Effective Date and DOR are established based on eligibility dates (see paragraph 8-9).

c. Paragraph 8-9 (Promotion to 1LT), the State must consider all 2LTs for promotion and complete an NGB Form 78 (Recommendation for Promotion to 1LT/CW2) at 18-months, regardless of if the 2LT is qualified and recommended for promotion. If a 2LT is not recommended for promotion at 18 months, the commander must submit an NGB Form 78 with a request for separation or a request for TAG of the State to grant a 24-month extension. If the officer was retained but not promoted at 18-months, the unit commander must submit another NGB Form 78 at 24-months. If the officer is still not recommended at 24-months, the unit commander must forward a completed NGB Form 78 with a request for separation or a request for extension through the State G1 for TAG approval to 36-months. By statute, no extensions beyond 36-months are authorized. This process is required regardless of the reason for the officer being found not qualified for promotion. Second lieutenant will be considered for promotion at 18-months TIMIG. If the officer is found not qualified for promotion, they may be discharged. TAGs may retain 2LTs who have been found not qualified for promotion at 18-months TIMIG for additional six months.

d. Paragraph 8-10 (MILED requirements for promotion), Basic branch commissioned officers will attend a BOLC within 24-months of appointment in the ARNG. The TAG of an officer who is not in attendance at BOLC within the above stated time frame will process the required MILED waivers on behalf of the Soldier. If the officer has not completed BOLC by 36-months commissioned service; separation proceedings must be initiated). MILED requirement for promotion to the rank of 1LT and captain is BOLC.

2. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers) dated 13 July 2004 states:

a. Paragraph 2-4 an officer on the active duty list (ADL) who has been selected for promotion but who has not been promoted by the time the officer transfers to the Reserve active—status list (RASL) in the same competitive category, will be placed on an appropriate Reserve of the Army promotion list. The effective date of promotion and date of rank will be the same as if the officer had been selected to the same grade by a promotion board for RASL officers. However, the Secretary of the Army may set the date of rank if he or she determines an inequity in the foregoing procedure exists.

b. Paragraph 2-5 To be eligible for consideration for promotion to the next higher grade, an ARNGUS or USAR officer must have continuously performed service on either the RASL or the ADL (or a combination of both lists) during the 1– year period ending on the convening date of the promotion board, and must meet the TIG requirements in tables 2-1 or 2-3, as appropriate.

c. Table 2-1 shows the minimum TIG for promotion from 2LT to 1LT is 2 years and a maximum of 42 months.

d. Table 2-2 shows the military education requirement for promotion from 2LT to 1LT is the resident officer basic course.

3. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers) dated 13 December 2022, 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. Paragraph 2-7 (Promotion Eligibility), to be eligible for consideration for promotion to the next higher grade, an ARNGUS or USAR officer must have continuously performed service on either the Reserve Active Status List or the Active duty list (or a combination of both lists) during the entire previous 1-year period ending on the convening date of the promotion board. Commissioned officer must complete the military educational requirement in table 2-1 and paragraph 2-9 no later than the day before the selection board convene date.

b. Paragraph 2-9 (Military Educational Requirements), for promotion to 1LT, officer must have completed all phases of the BOLC that are required for an officer to be deployable, this is non-waiverable.

c. Table 2-1 (Time in Grade and Military Education Requirement for Officer Promotion Consideration (Statutory), for promotion from 2LT to 1LT the minimum time

in grade at the lower grade is 18-months with a maximum of 2-years. The minimum military education level is the completion of BOLC.

d. Paragraph 3-24 (Compute Promotion Eligibility Date for Promotion to First Lieutenant), promotion eligibility to 1LT is 18-months as a 2LT on the RASL or a combination of service on the ADL 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.

e. Paragraph 3-26 (Consideration Without Board Action), an officer in the grade of 2LT will be considered for promotion without review by a selection board. The officer's records will be screened to determine eligibility for promotion to the next higher grade far enough in advance to permit promotion on the date promotion service is completed.

//NOTHING FOLLOWS//