

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240003508

APPLICANT REQUESTS: reconsideration of his previous request for promotion to the rank/grade of lieutenant colonel (LTC)/O-5.

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

- Self-authored letter in lieu of DD Form 149 (Application for Correction of Military Record)
- Course Completion Certificates
- Email communication
- Photograph

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220004327 on 24 January 2023, Docket Number AR20180004687 on 27 February 2020, and Docket Number AR1999023992 on 13 May 1999.

2. The applicant states prior to being considered for promotion by the Reserve Component Selection Board, he had successfully completed 50 percent of the Command General Staff College (CGSC). He notes that these courses were previously submitted but not considered by the board.

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

a. Having prior enlisted service in the U.S. Army Reserve and the Army National Guard from 29 January 1963 to 21 July 1967, on 22 July 1967, the applicant was appointed a Reserve commission within the ARNG.

b. On 19 July 1981, the applicant was promoted to the rank/grade of major (MAJ)/O-4.

c. On 3 December 1984, the applicant was issued a Notification of Eligibility for Retired Pay at Age 60 (20-Year letter).

d. On 15 November 1988, the applicant was notified of his second non-selection for promotion to LTC.

e. On 30 December 1988, the U.S. Army Reserve Personnel Center issued Orders Number C-12-803120 reassigning the applicant to the U.S. Army Reserve Control Group (Retired), effective 9 January 1989, in the rank of MAJ.

f. On 4 August 1998, the U.S. Total Army Personnel Command advised that the applicant did not have a basis for promotion reconsideration by a Promotion Advisory Board noting that the applicant was previously considered in 1987 and 1988 by a Reserve Component Selection Board (RCSB) and not recommended for promotion because he did not meet the military education requirements. This information was further verified by the CGSC wherein they advised that the applicant had not completed 50 percent of the course and was therefore disenrolled in November 1990. The applicant was advised that he could apply through the CGSC for reconsideration of completion. If approved, he could then resubmit an application for reconsideration by a Special Selection Board if the course was completed prior to the RCSB board convening date.

4. The applicant provides:

a. Course Completion Certificates reflective of military education courses completed between June 1984 and August 1988. On or about 19 August 1988, the applicant completed a Logistics exam. He was further advised that in order to be eligible for progression into Phase IV of the curriculum, he must have completed 50 percent of the CGSC.

b. Email communication reflective of the applicant's submission of additional information (photograph) to this Board.

c. Photograph, reflective of the applicant and another Soldier in their service dress uniforms.

5. On 1 December 2023, Docket Number AR20230002707 the ABCMR responded to the applicant's request for reconsideration of his previous request(s) for promotion to LTC. A review of the Army Review Boards Agency Case Tracking System reflects that the applicant requested promotion to LTC in a retired status in Docket Number AR1999023992, which was denied on 13 May 1999, due to the evidence of record and application not supporting the request. On 27 February 2020 (Docket Number AR20180004687), the applicant's request for promotion was denied noting that he did

not meet the 50 percent CGSC completion requirement when he was considered for promotion in 1987 and 1988; the applicant was not selected for promotion by either of these boards. On 9 January 1989, the applicant was transferred to the Retired Reserve and completed 50 percent of CGSC on 12 August 1998, 11 years later. Therefore, the Board determined that the applicant's rank at the time of his transfer to the Retired Reserve on 9 January 1989 was not in error or unjust. On 24 January 2023 (Docket Number AR20220004327), the applicant's request was also denied again noting that information obtained from the CGSC indicated that he had not obtained 50 percent course completion and was therefore disenrolled on 30 November 1990. The applicant was advised that he was permitted to apply through the CGSC for reconsideration of completion. If approved, he could then resubmit an application for reconsideration by a SSB if the course was completed prior to board convening.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the justification provided by the applicant, the Board found insufficient evidence of an error or injustice which would warrant promotion to the rank/grade of lieutenant colonel (LTC)/O-5. The Board noted the applicant was non-selected for promotion due to not meeting the education requirements and was disenrolled from the required CGSC course in 1990. Therefore, 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 amendment of the ABCMR decision rendered in Docket Number AR20220004327 on 24 January 2023, Docket Number AR20180004687 on 27 February 2020, and Docket Number AR1999023992 on 13 May 1999.

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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 (AR) 135-155 (Promotion of Commissioned Officers and Warrant Officers) prescribes the policies and procedures for promotion of Reserve officers. This regulation specifies that promotion reconsideration by a standby promotion advisory board may only be based on erroneous non-consideration or material error which existed in the record at the time of consideration. Material error in this context is one or more errors of such a nature that, in the judgment of the reviewing official (or body), it caused an individual's non-selection by a promotion board and, that had such error(s) been corrected at the time the individual was considered, a reasonable chance would have resulted that the individual would have been recommended for promotion. The regulation also provides that:

a. Boards are not required to divulge the proceedings or the reason(s) for non-selection, except where an individual is not qualified due to noncompletion of required military schooling.

b. In order to be qualified for promotion to LTC an individual must have completed 7 years of Time in Grade as a major, 17 years of promotion service, and 50 percent of the CGSC on or before the convening date of the respective promotion board; that upon a non-selection by a promotion board an individual's Promotion Eligibility Date (PED) will be adjusted by 1 year, accordingly; and that individuals will receive mandatory promotion consideration prior to their PED's so that, if selected, they may be promoted on their future PED.

c. Individuals twice not selected for promotion to LTC will be transferred to the Retired Reserve if they are eligible and request such transfer or retained in the active Reserve when more than 18 but less than 20 qualifying years of service have been completed or discharged.

2. 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//