

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240003660

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his rank/pay grade as chief warrant officer four (CW4)/W4 instead of chief warrant officer three (CW3)/W3.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of the Army Orders 0005247659.00, dated 1 July 2023
- DD Form 214, effective 31 August 2023

FACTS:

1. The applicant states his DD Form 214 should be corrected because he signed it 10 days before receiving orders for promotion to CW4.
2. Following an honorable period of enlisted service in the Regular Army, the applicant was discharged on 21 June 2011 in the rank/pay grade of staff sergeant/E6 for the purpose of accepting a warrant in the Army.
3. On 22 June 2011, the applicant was appointed as a Reserve warrant officer in the rank/pay grade of warrant officer one/W1 and was ordered to active duty. He served in a variety of assignments and was promoted to CW3 with an effective date and date of rank (DOR) of 1 July 2018.
4. Department of the Army Orders 0005247659.00, dated 1 July 2023, show the applicant was promoted to CW4 with an effective date and DOR of 1 July 2023.
5. Orders and the applicant's DD Form 214 show he was retired from active duty under the provisions of Army Regulation 600-8-24 (Officer Transfers and Discharges) due to sufficient service for retirement on 31 August 2023 in the rank/pay grade of CW3/W3 with a DOR of 1 July 2018. He was also transferred to the U.S. Army Reserve Control Group (Retired).

6. Department of the Army Orders 0004925990.00, dated 2 June 2023, show the applicant was assigned to the U.S. Army Retired List, effective 1 September 2023 as the result of voluntary retirement. He was placed on the retired list in the rank/pay grade of CW3/W3.

7. On 21 November 2024, in response to a request from a member of the Army Review Boards Agency, the Officer Promotions Branch of U.S. Army Human Resources Command (HRC), Fort Knox, KY provided an advisory opinion regarding the applicant's case.

a. Based on a review of the documents received, their current records, laws, regulations, policies, and the systems available to the HRC Officer Promotions Branch, they found that the applicant does not have a valid request and his DD Form 214 should not be changed to reflect CW4. When the officer separated, the promotion orders should have been revoked and the officer retired at the proper rank of CW3.

b. Per Army Regulation 600-8-29 (Officer Promotions), Chapter 3-5 (3), warrant officers incur an automatic two-year Active Duty Service Obligation (ADSO). Because of this, the applicant is not eligible to retire as a CW4.

8. On 27 November 2024, the applicant was provided a copy of this advisory opinion to provide him an opportunity to comment and/or submit a rebuttal. He did not respond.

9. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition. By regulation, an applicant is not entitled to a hearing before the Board.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not 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 HRC advisory opinion, as well as the lack of any rebuttal of those findings and recommendations submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's rank reflected on his DD Form 214.

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.

5/4/2025

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. Title 10, U.S. Code, Section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 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. prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that 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. It is not an investigative body.

3. Title 10, U.S. Code, Section 1293, provides the legal authority for the retirement of warrant officers with 20 or more years of service. This provision of law states that the Secretary concerned may, upon the warrant officer's request, retire the warrant officer of any armed force under his jurisdiction who has at least 20 years of active service.

4. Title 10, U.S. Code, Section 1371, provides the general legal rule for warrant officer retirement grades. It states, in pertinent part, that Unless entitled to a higher retired grade under some other provision of law, a warrant officer shall be retired in the highest regular or reserve warrant officer grade in which the warrant officer served satisfactorily, as determined by the Secretary concerned.

5. Army Regulation 350-100 (Officer Active Duty Service Obligations (ADSOs)) establishes policies and procedures governing ADSOs for all commissioned officers and warrant officers serving on the active duty list. Paragraph 2-4 provides that a warrant officer who accepts a promotion to the grade of CW3, CW4, or chief warrant officer five (CW5), incurs a 2-year ADSO. This ADSO begins on the date of promotion and must be served before voluntary retirement.

6. Army Regulation 600-8-24 (Officer Transfers and Discharges) prescribes the officer transfers from active duty to the Reserve Component and discharge functions for all officers on active duty for 30 days or more. It provides principles of support, standards of service, and policies to support office transfers and discharges. Paragraph 6-1e provides, in part, a warrant officer retires as determined by the Secretary of the Army (SECARMY) in the permanent Regular or Reserve warrant officer grade, if any, that he or she held on the day before retirement or in the higher warrant officer grade, if any, in which he or she served on active duty satisfactorily, as determined by SECARMY, for a period of more than 30 days (see Title 10, U.S. Code, Section 1371). Retirement in the grades of CW3 through chief warrant officer five (CW5) for warrant officers serving on the Active Duty List require a minimum of two years of active duty in the current grade, unless entitled by law to a higher grade upon retirement. The Commanding General, HRC may approve exceptions to the two-year service requirement in individual cases when approval is in the best interest of the Army, or when substantial hardship of the warrant officer would result.

7. Army Regulation 600-8-29 (Officer Promotions) prescribes the officer promotion function of military human resources support operations. Paragraph 3-5b(1) provides a promotion ADSO is a specific period of active duty an officer must serve before being eligible for voluntary separation or retirement. Officers accepting a promotion to any

grade other than CW3, CW4, and CW5 do not incur an additional service obligation; however, to retire in the next higher grade, the officer must serve satisfactorily in the new grade as established in Army Regulation 350–100. A warrant officer who accepts promotion to the grade of CW3, CW4, or CW5 will incur a two-year ADSO (see Army Regulation 350–100).

//NOTHING FOLLOWS//