

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 December 2024

DOCKET NUMBER: AR20240004454

APPLICANT REQUESTS: in effect,

- Special Selection Board (SSB) for reconsideration for promotion to the rank/grade of lieutenant colonel (LTCL)/O-5
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 71 (Oath of Office – Military Personnel), 12 February 2003
- Academy of Health Sciences U.S. Army Diploma Army Medical Department (AMEDD) Officer Basic Course certificate
- DA Form 1059 (Service School Academic Evaluation Report), 25 July 2003
- U.S. Army Human Resources Command (AHRC) Orders Number A-04-608399
- DA Form 71, 21 May 2006
- Defense Medical Readiness Training Institute Combat Casualty Care Course certificate
- Headquarters (HQs), Division West, First U.S. Army and Fort Carson Orders Number 068-712
- DA Form 67-9 (Officer Evaluation Report) for rating period 18 June 2006 through 17 June 2007
- DA Form 4980-18 (Army Achievement Medal Certificate), 13 July 2007
- AMEDD Advanced Education in General Dentistry certificate
- HQs, U.S. Army Garrison, Kaiserslautern Orders Number 072-449
- The Church of Jesus Christ of Latter Day Saints Letter
- Engineer Chapel Religious Support Team certificate of recognition
- DA Form 4980-14 (Army Commendation Medal Certificate), 13 April 2009
- U.S. Army Garrison Baden-Wuerttemberg Orders Number 286-04
- DA Form 67-9 for rating period 1 June through 23 October 2009
- DA Form 4980-18, 29 October 2009
- AHRC Permanent Orders Number 358-01
- Email regarding the Iraq Campaign Medal

- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 24 July 2010
- The Church of Jesus Christ of Latter Day Saints Bishops Certificate
- DA Form 71, 9 March 2015
- AHRC Orders Number C-03-503876
- AMEDD Correspondence Course Certificate of Completion
- DA Form 2442 (Certificate of Achievement)
- DA Form 4980-18, 11 September 2016
- AHRC Orders Number B-10-604344
- DA Form 1059, 23 June 2018
- AMEDD Center and School certificate of completion
- DA Form 4980-18, 7 December 2019
- 965th Dental Company Memorandum, Subject: Award of the Army Reserve Components Achievement Medal
- Certificate of Training
- DA Form 67-10-2 (Field Grade Place (O4 through O5, CW3 through CW5) Officer Evaluation Report) for rating period 22 March 2021 through 16 January 2022
- Hester and Company Professional Corporation (PC) Certified Public Accountant (CPA) letter
- Department of Defense (DoD) Sexual Assault Advocate Certification Program letter
- DA Form 67-10-2 for rating period 17 January 2022 through 16 January 2023
- HQs, U.S. Army Reserve Command (USARC) Orders Number UV-116-0001
- Command and General Staff College graduate diploma
- DA Form 1059-2 (Senior Service and Command and General Staff College Academic Evaluation Report)
- DA Form 67-10-2 for rating period 17 January through 18 June 2023
- HQs, III Corps and Fort Cavazos Orders Number HO-173-0099
- DA Form 4980-18, 17 July 2023
- DA Form 705 (Army Combat Fitness Test Scorecard)
- DA Form 67-10-2 for rating period 19 June through 15 September 2023
- Military Outstanding Volunteer Service Medal Recommendation
- DD Form 214 for service ending 6 October 2023
- DA Form 638 (Recommendation for Award)
- Officer Record Brief
- 176th Medical Brigade Memorandum, Subject: Security Clearance Verification
- DoD Sexual Assault Advocate Certificate Program certificate

FACTS:

1. The applicant states he requests A SSB to overturn the decision of the Fiscal Year 2023 (FY23) Reserve Component (RC) LTC AMEDD Promotion Selection Board (PSB) decision be overturned and promote him to the rank of LTC. His Professional Military Education (PME), awards, leadership assignments, officer evaluation reports, deployments and other military experience was not considered by the PSB. Also, the training conditions during Coronavirus and staffing at the Command and General Staff College during his enrollment in the Intermediate Level Education (ILE) course delayed his completion before the PSB convened. He believes his appeal should be considered as he displays outstanding moral character, and he maintains the Army fitness standards without medical profiles. He willingly took multiple leadership positions and volunteered for multiple missions and career broadening assignments. He has received numerous awards and completed the required PME for the rank of LTC.

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

a. On 12 February 2003, the applicant executed his oath of office and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.

b. On 17 March 2003, Orders Number C-03-308095, issued by the U.S. Total Army Personnel Command, the applicant was appointed and assigned to the U.S. Army Reserve (USAR) Control Group (Officer Active-Duty Obligor), effective 12 February 2003.

c. DA Form 1059 shows the applicant achieved course standards for the AMEDD Officer Basic course during the period of 16 June through 25 July 2003.

d. On 10 April 2006, Orders Number A-04-608399, issued by ARHC, the applicant was ordered to active duty to fulfill an active Army requirement, effective 29 June 2006.

e. On 21 May 2006, the applicant executed his oath of office and was appointed as a Reserve commissioned officer in the rank/grade of captain (CPT)/O-3.

f. On 24 July 2010, the applicant was honorably discharged from active duty for miscellaneous general reasons. DD Form 214 shows the applicant completed 4-years and 26-days of active service.

g. On 9 March 2015, the applicant executed his oath of office and was appointed as a Reserve commissioned officer in the rank CPT in the Dental Corps.

h. On 16 March 2015, Orders Number C-03-503876, issued by ARHC, the applicant was appointed and assigned to a USAR Troop Program Unit, effective 9 March 2015.

i. On 13 October 2016, Orders Number B-10-604344, issued by AHRC, the applicant was promoted to the rank/grade of major (MAJ)/O-4, effective on with a date of rank of 1 September 2016.

j. DA Form 1059 shows the applicant achieved course standards for the AMEDD Captains Career Course during the period of 11 through 23 June 2018.

k. On 26 April 2023, Orders Number UV-116-0001, issued by HQs, USARC, the applicant was ordered to active duty in support of Operation Enduring Freedom (Continental United States Support Base), effective 16 June 2023.

l. DA Form 1059-2 shows the applicant's distinguished performance by exceeding course standards for the ILE Common Core during the period of 13 December 2022 through 19 May 2023.

m. On 16 June 2023, the applicant entered active duty.

n. AHRC Memorandum, Subject: Promotion List for FY 23 RC LTC AMEDD, Army National Guard of the United States (ARNGUS), Army Reserve Active Guard/Reserve (AGR) and Army Reserve Non-AGR, Competitive Categories PSB, dated 9 August 2023, shows the board convened on 7 March 2023 and recessed on 23 March 2023. The Office of the Secretary of Defense approved the nomination on 7 August 2023. The applicant was not selected for promotion to LTC.

o. On 6 October 2023, the applicant was honorably released from active duty for completion of required active service. DD Form 214 shows the applicant completed 3-months and 21-days of active service.

p. AHRC Memorandum, Subject: Promotion List for FY 24 RC LTC AMEDD, ARNGUS, AGR and Army Reserve Non-AGR, Competitive Categories PSB, dated 4 July 2024, shows the board convened on 5 March 2024 and recessed on 22 March 2024. The Office of the Secretary of Defense approved the nomination on 28 June 2024. The applicant was selected for promotion to LTC.

q. On 14 August 2024, Orders Number 917687, issued by AHRC, the applicant was promoted to the rank/grade of LTC/O-5, effective on with a date of rank of 26 June 2024.

r. Soldier Management Services – WEB Portal shows the applicant holds the rank of LTC with the date of rank of 26 June 2024.

3. The applicant provides:

a. Defense Medical Readiness Training Institute certificate shows the applicant successfully completed the Combat Casualty Care Course during the period of 1 through 9 February 2007.

b. HQs, Division West, First U.S. Army and Fort Carson Orders Number 068-712, shows the applicant was ordered on a permanent change of station to the 464th Medical Detachment Team, Landstuhl, Germany, effective 24 August 2007.

c. DA Form 67-9 for rating period 18 June 2006 through 17 June 2007 shows the applicant was rated as a resident student. His rater rated his overall performance as outstanding and must promote. The rater commented he was a well rounded officer and achieved superior levels of performance in the Advanced Education in General Dentistry. He has unlimited potential in the U.S. Army Dental Corps and should be promoted to the rank of major at the earliest opportunity. His senior rater rated his promotion potential as best qualified and commented he has great potential in the Army Health Care System and should be promoted at the earliest opportunity.

d. DA Form 4980-18 assigned Permanent Orders Number 194-06 shows the applicant had exceptional outstanding service during the period of 14 August 2006 through 18 July 2007 as a resident student at the Advanced Education in General Dentistry.

e. AMEDD certificate shows the applicant successfully completed the Advanced Education in General Dentistry – 12-month program during the period of 14 August 2006 through 18 July 2007.

f. HQs, U.S. Army Garrison, Kaiserslautern Orders Number 072-449, shows the applicant was deployed on a temporary change of station in support of Operation Iraqi Freedom on or about 12 May 2008.

g. The Church of Jesus Christ of Latter-Day Saints Letter shows the applicant was certified as an ordained elder and appointed to be an assistant denomination lay leader. He performed the responsibilities associated with being an ecclesiastical leader and provided religious services and instruction.

h. Engineer Chapel Religious Support Team certificate recognizes the applicant for his faithful leadership for the engineer chapel during Operation Iraqi Freedom as the assistant group leader of the Latter-Day Saints community of Camp Liberty.

i. DA Form 4980-14 assigned Permanent Orders Number 103-016 shows the applicant had exceptional meritorious service as the General Dental officer in support of Operation Iraqi Freedom.

j. U.S. Army Garrison Baden-Wuerttemberg Orders Number 286-04 shows the applicant was ordered to a permanent change of station when he was assigned to HQs Landstuhl Dental Activity, effective 15 December 2009.

k. DA Form 67-9 for rating period 1 June through 23 October 2009 shows the applicant was rated as a General Dental Officer. His rater rated his overall performance as outstanding and must promote. The rater commented he contributed immensely to Camp Liberty during his 6-month deployment by treating over 450 patients and producing over \$60,000.00 in dentistry. He had flawless performance while performing the additional duty of Company Hearing Protection Officer and to promote ahead of peers. His senior rater rated his overall potential for promotion as best qualified and commented he was an outstanding officer and clinician. He took an active role volunteering in the community and was a superb example for others. He should be promoted.

l. DA Form 4980-18 assigned Permanent Orders Number 302-001 shows the applicant had meritorious service assigned as a General Dentist and displayed exceptional qualities.

m. AHRC Permanent Orders Number 358-01 shows the applicant's unit was awarded the Meritorious Unit Commendation for meritorious service during the period of 16 October 2008 through 12 October 2009 in support of Operation Iraqi Freedom.

n. Email dated 23 April 2010 stated the applicant participated in two campaign phases in support of Operation Iraqi Freedom.

o. The Church of Jesus Christ of Latter Day Saints Bishops Certificate certifies the applicant was ordained as bishop of the Wills Point Ward of Tyler Texas Stake of the Church of Jesus Christ of Latter Day Saints on 13 August 2014.

p. AMEDD Correspondence Course Program Course Completion Notice shows the applicant successfully completed the Field Sanitation Team Certification course during the period of 5 through 9 February 2016.

q. DA Form 2442 shows the applicant was awarded the certificate of achievement for outstanding performance during the period of 13 through 26 August 2016 at Fort McCoy, WI. His dedication, flexibility and hard work were exemplary during the exercise.

r. DA Form 4980-18 assigned Permanent Orders Number 254-11 shows the applicant had exceptionally outstanding achievement as the officer in charge of the forward dental team during the period of 13 through 23 August 2016.

s. DA Form 4980-18 assigned Permanent Orders Number 341-17 shows the applicant had meritorious service during the field exercise at Fort Hunter Liggett in 2019. He was an exceptional asset to the unit and he utilized his expertise and utility to serve the mission.

t. 965th Dental Company Memorandum, Subject: Award of the Army Reserve Components Achievement Medal shows the applicant was eligible for the award for his service during the period of 9 March 2018 through 8 March 2021.

u. Certificate of Training certified the applicant successfully completed the Sexual Harassment/Assault Responses and Prevention (SHARP) Foundation course during the period of 6 through 17 December 2021.

v. DA Form 67-10-2 for rating period of 22 March 2021 through 16 January 2022 shows the applicant was rated as a Dental Officer. His rater rated his overall performance as excels and commented he was an exceptional officer and took the responsibilities as the SHARP officer to the highest standards. His senior rater was not qualified to rate the applicant.

w. Hester and Company PC CPA's letter shows the applicant owned the business Terry Family Dental PC.

x. DoD Sexual Assault Advocate Certification Program letter shows the applicant earned his certification as a nationally recognized professional working on the behalf of victims of sexual assault.

y. DA Form 67-10-2 for rating period of 17 January 2022 through 16 January 2023 shows the applicant was rated as a General Dental Officer. His rater rated his performance as excels and commented he effectively managed his responsibilities and duties. He was a valuable asset to the unit and contributed to the commander's goals and intent. His senior rater rated him as highly qualified and commented he was a bright and energetic officer and to promote with peers.

z. DA Form 67-10-2 for rating period of 17 January through 18 June 2023 shows the applicant was rated as a General Dental Officer. His rater rated his performance as proficient and commented he was a valuable asset to the unit and graduated ILE. His senior rater rated him as highly qualified and commented he was major asset to the unit and to promote ahead of peers.

aa. HQs, III Corps and Fort Cavazos Orders Number HO-173-0099 shows the applicant was deployed in a temporary change of station in support of Operation Enduring Freedom to Fort Hood, TX.

bb. DA Form 4980-18 bearing Permanent Orders Number 23-198-0003 shows the applicant had outstanding service as a dental provider at the Deployment Readiness Center. He was instrumental to the success of the center's Soldiers readiness mission.

cc. DA Form 705 shows on 26 July 2023 shows the applicant successfully passed the Army Combat Fitness Test.

dd. DA Form 67-10-2 for rating period of 19 June through 15 September 2023 shows the applicant was rated as a General Dentist. His rater rated his performance as excels and commented his performance was remarkable. He provided dental care to over 1,000 Soldiers valued at \$217,000.00 in dental care. He completed 30-hours in continued education and 100-hours of volunteer service. His senior rate rated his performance as highly qualified and commented he was an exceptional officer with unlimited potential. He should be promoted ahead of peers and sent to Senior Service College.

ee. Military Outstanding Volunteer Service Medal recommendation for his volunteer work during the period of 1 July through 12 September 2023 with the Hoofbeats of Heroes at Fort Cavazos a non-profit to serve the service members, veterans, first responders and their families by providing relaxation, healing and fun for the entire community.

ff. DA Form 638 shows the applicant was recommended for the Army Commendation Medal for exceptional meritorious service during the period of 24 April 2022 through 6 May 2023 as a General Dentist at Fort Cavazos. He was devoted to the mission accomplishment and contributed immensely to the unit's efforts.

gg. Officer Record Brief dated 8 January 2024 shows the applicant was educationally qualified for consideration and promotion to the rank of LTC.

hh. 176th Medical Brigade Memorandum, Subject: Security Clearance Verification verified the applicant was enrolled in continuous evaluation for a secret security clearance.

ii. DoD Sexual Assault Advocate Certification Program certificate certified the applicant met the requirements of the DoD Sexual Assault Advocate Certification program. The certification was effective through 30 November 2024.



4. On 25 October 2024, in the processing of this case, AHRC provided an advisory opinion regarding the applicant's request for reconsideration by a SSB under the FY23 RC LTC AMEDD PSB criteria. The advisory official stated after review of the applicant's service record including his board file documents that were associated with the FY 23 RC LTC AMEDD PSB it was determined a SSB was not warranted for reconsideration. The applicant's appeal failed to demonstrate an administrative error or material unfairness in his board file at the time the board convened. His appeal simply stated all of his records and experience was not considered by the board. A review of the board file documents for this board criteria included evaluations, awards and PME and various other board file documents. The DA Form 1059 for ILE was not uploaded in his Army Military Human Resources Record until 25 May 2023, which was after the convene date of the board. Regardless, his record was coded as educationally qualified in the system when the board convened and as such it does not constitute a material error or warrant a SSB.

5. On 28 October 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:

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records, and U.S. Army Human Resources Command- Officer Promotions-Special Actions advisory opinion, the Board concurred with the advising official recommendation that an SSB is not warranted. The opine found the applicant's appeal did not demonstrate administrative error or material unfairness in the applicant's board file at the time of his FY23 promotion board.

2. The Board determined there is insufficient evidence to support the applicant's contentions for a Special Selection Board (SSB) for reconsideration for promotion to the rank/grade of lieutenant colonel (LTCL)/O-5. The Board noted the applicant was coded as educationally qualified in the system when his board was convened. The Board agreed, although the applicant's academic evaluation report (AER) for ILE was not uploaded until after the board, evidence shows he was coded correctly during the selection process. The Board agreed, there is no material error or merit for a SSB. Therefore, the Board denied relief.

3. 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. Army Regulation (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 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.

2. AR 135-155 (Army National Guard and U.S. Army Reserve – Promotion of Commissioned Officers and Warrant Officers 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. Paragraph 2-9 (Military Educational Requirement), subparagraph a. for selection to LTC, officers must complete the Intermediate Level Education (ILE) – Common Core course. An ILE equivalent course listed in AR 350-1 in which an officer attended in residence as a military officer as a result of a centralized DA selection board will also meet the military educational requirement for promotion to LTC. Subparagraph b (Equivalent Credit), for promotion consideration only, officer enrolled and actively participating in an authorized resident course or final phase of a non-resident course at the time they are considered for promotion will be deemed military educationally qualified for promotion consideration and selection. Equivalent credit for completion of a lower level course will be awarded by the respective selection board if the officer has either graduated from a resident course that is higher than that required or if at the time the board convenes, the officer is enrolled and satisfactorily participating in a resident course that is higher than that required. Table 2-1 (Time in grade and military educational requirements for officer promotion consideration), for promotion from major to LTC the minimum time in grade is 4-years with a maximum time in grade of 7-years and the minimum military education level is completion of the ILE common core.

b. Paragraph 6-2, Special Selection Boards (SSB) are convened to consider or reconsider commissioned officer on the RASL for promotion when HQDA determines that one or more of the following circumstances exist:

- Administrative error, an officer was not considered by a regularly scheduled board because of administrative error
- Material error, the action of the promotion board was contrary to law in a matter material to the decision of the board or involved material error of fact or administrative error or did not have before its material information for its consideration

c. Paragraph 6-7 (Information provided to the SSB), an SSB will consider the record of the officer as it should have been considered by the original board. The SSB will use the recommended selection criteria established for the regularly constituted promotion board that originally considered the officer.

d. Paragraph 6-8 (Effect of non-selection) for consideration cases, a commissioned officer considered by the SSB and not recommended for promotion has failed selection

for promotion. For reconsideration cases, the commissioned officer who was considered but not selected for promotion by a regular selection board incurs no additional failure of selection if not selected by the SSB.

e. Paragraph 6-10 (Effect of selection for promotion), officer selected for promotion by an SSB will as soon as practicable, be appointed to that grade. An officer appointed the next higher grade as a result of the recommendation of the SSB will have the same date of rank, same effective date for pay and allowances and the same seniority as the officer would have had if recommended for promotion by the board which did consider him.

f. Paragraph 6-11 (Cases not considered), an officer will not be considered or reconsidered by the SSB when the following occurs:

- Officer pending removal from promotion list
- Administrative error was immaterial or the officer in exercising reasonable diligence could have discovered and corrected the error in his record, it is the officer's responsibility to review his record before the board convenes and to notify the board in writing of possible administrative deficiencies
- Letters of appreciation, commendation or other commendatory data for awards below the Silver Star are missing
- Promotion selection board did not see a non-mandatory evaluation report submitted to AHRC after the suspense established for the board
- Required promotion selection board did not considered correspondence to the board president delivered after the cutoff date for such correspondence

g. Paragraph 6-13 (Processing requests for SSB promotion reconsideration), officers who discover that a material error existed in their file at the time they were non-selected for promotion may request reconsideration if:

- Record erroneously reflected an officer was ineligible for selection for educational or other reasons, in fact the officer was eligible for selection when the records were submitted
- One or more evaluation reports seen by the board were later deleted from the record
- One or more evaluation reports that should have been seen by the board were missing based on the cut-off date
- Officer's military or civilian educational level as constituted in the officer's records as seen by the board was incorrect

//NOTHING FOLLOWS//