

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 December 2024

DOCKET NUMBER: AR20240004640

APPLICANT REQUESTS:

- adjustment of Date of Rank to reflect 1 May 2023 or earlier based upon Professional Military Education (PME) scheduling
- personal appearance

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request an Exception to Policy for Promotion to Sergeant First Class (SFC), 10 March 2024
- Email communication
- Memorandum – Subject: Calendar Year (CY) 2023 U.S. Army Reserve (USAR) Troop Program Unit (TPU) Noncommissioned Officer (NCO) Promotions, 9 February 2023
- Memorandum – Subject: Supplement to Calendar Year 2023 Noncommissioned Officer Promotions, 3 January 2023
- Memorandum – Subject: U.S. Army Reserve (USAR) Implementation Guidance to Troop Program Unit (TPU) Temporary Promotions (Sergeant (SGT) through Master Sergeant (MSG)), 17 February 2022
- Memorandum – Subject: Calendar Year 2023 Noncommissioned Officer (NCO) Promotions, 1 December 2022
- Temporary Promotion Guidance
- Certificate

FACTS:

1. The applicant states in pertinent that his promotion to SFC was delayed due to a deployment which prevented him from completing the required PME. The applicant contests that the vague policies and numerous administrative hurdles prevent service members from utilizing available educational opportunities, even when physically present at the location of the courses. He further notes that the rigidity in scheduling combined with the overall PME slotting process often does not take into account mobilizations and or deployments which further delay the promotion process despite the

service members ranking on the Order of Merit List (OML). Further, this process potentially permits less qualified Soldiers to be enrolled in PME courses ahead of him.

2. A review of the applicant's available service records reflects the following:

- a. On 28 May 2013, the applicant enlisted in the Regular Army with duty as a 68W (Health Care Specialist).
- b. On 1 June 2018, the applicant was promoted to staff sergeant (SSG)/E-6.
- c. On 22 February 2020, the applicant was honorably discharged from active duty and transferred into the USAR.
- d. On or about 6 April 2022, the applicant completed the 17C (Cyber Operations Specialist) course.
- e. On 16 June 2022, the applicant completed the Advanced Leader Course.
- f. On 21 September 2022, the U.S. Army Installation Management Command issued Orders Number BG-264-0011 deploying the applicant in support of Operation Enduring Freedom (Continental U.S. (CONUS) Support Base) to proceed on Temporary Change of Station to Fort Gordon, GA effective 22 September 2022, for a period not to exceed 393 days.
- g. On 5 September 2023, the applicant was released from active duty.
- h. On 12 February 2024, the applicant completed the Senior Leader Course.
- i. On 30 April 2024, the Department of the Army issued Orders Number 7978502 announcing the applicant's promotion to SFC effective 1 May 2024.

3. The applicant provides the following a:

- a. Memorandum – Subject: Request an Exception to Policy (ETP) for Promotion to Sergeant First Class (SFC), 10 March 2024, reflective of the applicant's commander's submitted request for an ETP permitting his promotion to SFC with a DOR of 1 July 2024. In April 2023, the applicant was listed as fully qualified and ranked number 1 on the OML. According to the Temporary Promotion guidance, Soldiers must be otherwise fully qualified for promotion except for the completion of the required PME. The applicant noted that he was mobilized from 18 September 2022 – 23 September 2023 and made every attempt to attend SLC. In August 2023, the applicant was advised that he would not be scheduled for SLC due to this mobilization. Promotion guidance provided on 12 September 2023, authorized ETP for mobilized

Soldiers serving in imminent danger areas or on operational deployments exceeding 8 months.

b. Email communication, 9 April 2023, notifying the Soldier that he was fully qualified for promotion and listed as number 1 on the OML. The applicant was further advised that an OML number does not guarantee that fully qualified Soldiers will receive a SLC school seat. On 1 August 2023, the applicant was advised that he was not scheduled for SLC due to being mobilized.

c. Memorandum – Subject: Calendar Year (CY) 2023 U.S. Army Reserve (USAR) Troop Program Unit (TPU) Noncommissioned Officer (NCO) Promotions, 9 February 2023, reflective of guidance pertaining to enlisted promotions. Paragraph 3b. provides that Soldiers must be fully promotable except for PME completion to qualify for Temporary Promotion. A Soldier is considered fully promotable when they have completed their respective Structured Self Development for the next higher grade and is not flagged. Effective January 2023, Temporary Promotions are authorized for TPU Soldiers who are on the OML and otherwise qualified for promotion without regard to their completion of the requisite level of PME under the following categories:

- Soldiers must be deployed outside the Continental U.S. (OCONUS)
- Soldiers on Active-Duty Operational Support (ADOS) orders serving at an OCONUS location do not qualify
- While having a valid school reservation for the requisite PME, with a report date within 12 months of the Temporary Promotion

d. Memorandum – Subject: Supplement to Calendar Year 2023 Noncommissioned Officer Promotions, 3 January 2023, reflective of guidance pertaining to Temporary Promotions. Effective January 2023, Soldiers must have an approved PME registration within the Army Training Requirements and Resource System (ATRRS) for the requisite PME required for Temporary Promotion.

e. Memorandum – Subject: U.S. Army Reserve (USAR) Implementation Guidance to Troop Program Unit (TPU) Temporary Promotions (Sergeant (SGT) through Master Sergeant (MSG)), 17 February 2022, reflective of guidance pertaining to Temporary Promotions of USAR TPU Soldiers. This guidance expired on 31 December 2022, unless rescinded or superseded by further guidance. Temporary Promotion to SFC shall be authorized if the eligible Soldier is on the current SSG OML and have a reserved seat in ATRRS for the requisite PME.

f. Memorandum – Subject: Calendar Year 2023 Noncommissioned Officer (NCO) Promotions, 1 December 2022, reflective of the Temporary Promotion Guidance issued on 1 November 2021, 13 December 2021, 15 February 2022, and 1 July 2022 being rescinded effective 1 January 2023. Effective 1 January 2023, the Army would utilize

the guidance in Army Regulation 600-8-19 (Enlisted Promotions and Reductions) to promote Soldiers in the USAR based on their OML standing without regard to their completion of their requisite PME. However, Soldiers must have an approved ATRRS reservation for the requisite PME course.

g. Temporary Promotions Guidance reflective of information pertaining to Temporary Promotions. Soldiers must be otherwise fully qualified for promotion except for the completion of the required PME to qualify for Temporary Promotion. Scheduling for PME attendance is based on the Soldiers status on the OML.

h. Certificate, reflective of the applicant's completion of the SLC on 12 February 2024.

4. On 28 October 2024, Headquarters, U.S. Army Reserve Command, Chief, Enlisted Management Branch provided an advisory opinion recommending denial of the applicant's request noting that the applicant was promoted to SFC effective 1 May 2024. He was mobilized CONUS from 15 September 2022 until 5 September 2023, as indicated by his mobilization order and DD Form 214. Unfortunately, in accordance with Memorandum – Subject: Calendar Year (CY) 2023 U.S. Army Reserve (USAR) Troop Program Unit (TPU) Noncommissioned Officer (NCO) Promotions), 9 February 2023, the applicant did not meet the criteria for Temporary Promotion during his mobilization as he was not deployed OCONUS, nor did he have a reservation for the requisite level PME.

5. On 28 October 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 9 December 2024, 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 Headquarters, U.S. Army Reserve Command, Chief, Enlisted Management Branch advisory opinion, the Board concurred with the opine recommendation for denial finding the applicant was promoted to SFC effective 1 May 2024. The Board determined there is insufficient evidence to support the applicant's contentions for adjustment of his Date of Rank to reflect 1 May 2023 or earlier based upon Professional Military Education (PME) scheduling.

2. The Board found the applicant was mobilized from 15 September 2022 until 5 September 2023, as indicated by his mobilization order and DD Form 214. The Board noted based on the USAR promotion guidelines, the applicant did not meet the criteria for Temporary Promotion during his mobilization as he was not deployed OCONUS, nor did he have a reservation for the requisite level PME. Based on the preponderance of evidence and the advising opine, the Board agreed relief is without merit.

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.

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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) 600-8-19 (Enlisted Promotions and Reductions), Paragraph 1-36 (Temporary Promotion) provides that the Deputy chief of Staff (DCS), G-1 may, during specified periods designated in writing, authorize temporary promotions to the grade of SGT and above. A temporary promotion is a promotion to the next higher grade that terminates on a specified date unless an established requirement is met. A temporary promotion authorized under this provision will remain until such time the condition is met, at which point the promotion is permanent, or the promotion expires, whichever occurs first. Chapter 4 (Centralized Promotions (SFC, MSG and SGM) provides the rules and steps for managing the centralized promotion system. To be eligible for promotion to SFC, Soldiers must meet the NCOES requirements i.e. completion of Structured Self Development – 4 and SLC. The promotion Date of Rank (DOR) will be the effective date of promotion. If the promotion was delayed due to an administrative error, the DOR will be the effective date that the promotion should have occurred.

2. Memorandum – Subject: Calendar Year (CY) 2023 U.S. Army Reserve (USAR) Troop Program Unit (TPU) Noncommissioned Officer (NCO) Promotions, 9 February 2023 provides guidance pertaining to enlisted promotions. Paragraph 3b. provides that Soldiers must be fully promotable except for PME completion to qualify for Temporary Promotion. A Soldier is considered fully promotable when they have completed their respective Structured Self Development for the next higher grade and is not flagged. Effective January 2023, Temporary Promotions are authorized for TPU Soldiers who are on the OML and otherwise qualified for promotion without regard to their completion of the requisite level of PME under the following categories:

- Soldiers must be deployed outside the Continental U.S. (OCONUS)
- Soldiers on Active-Duty Operational Support (ADOS) orders serving at an OCONUS location do not qualify
- While having a valid school reservation for the requisite PME, with a report date within 12 months of the Temporary Promotion

3. AR 15-185 (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 applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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//