

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240005313

APPLICANT REQUESTS: in effect, to receive an adjusted date of rank (DOR) to Lieutenant Colonel (LTC) for undue delays of packet processing.

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 126, Departments of the Army and the Air Force, National Guard Bureau (NGB), 2 April 2024
- 3 pages of electronic mail (email)

FACTS:

1. The applicant states, in effect:

a. Her DOR to Major (MAJ) was 2 May 2017. She was eligible for LTC May 2020. Her packet was submitted as a Unit Vacancy Promotion (UVP) on 26 January 2022 and her packet went through the February 2022 State board. She did not get promotion orders until April 2023. She was told there was a huge issue at the NGB. There were packets "lost" or "untracked" due to the Integrated Personnel and Pay System-Army. Many people were teleworking at the NGB and the State could not get hold of anyone. She was then told that NGB was aware of the issue and would work on back dating the officers affected and that she was on the list.

b. This went on for months, essentially from her DOR (April 2023) until April 2024. A UVP backdated memorandum was signed by the Secretary of the Army and she finally received an updated order for October 2022. This was still at most 8 months in limbo. Current packets are taking 2-3 months at the NGB for processing. The NGB has been notorious for delays. Her captain to MAJ packet was there for 10 months. The delays affect her career and ability to apply to military schools and ultimately delay retirement.

2. The applicant is currently serving in the rank of LTC in the New Mexico Army National Guard (NMARNG).

3. The applicant provides email with the Joint Forces Headquarters Personnel Management Branch, 16 April 2024, in which it is noted it appears the applicant's packet went through the February 2022 Federal Recognition (FEDREC) Board. Unfortunately, the packet was not loaded until May. The packet sat at the G1 for 3 months. She further provides Special Orders Number 126, 2 April 2024, Departments of the Army and the Air Force, NGB, which amended her DOR to LTC from 19 April 2023 to 10 October 2022.

4. During the processing of this case, on 28 January 2025, an advisory opinion was obtained from the Chief, Special Actions Branch, NGB. The advisory official recommended approval of the applicant's request and stated the opinion was coordinated with the NGB's FEDREC Branch.

a. The applicant was promoted to MAJ with a DOR of 2 May 2017 and became eligible for LTC on 2 May 2020. The applicant was a UVP, and a promotion packet was submitted to the State on 26 January 2022 and seen before a State FEDREC board in February 2022. The applicant's original published DOR to LTC was 19 April 2023 but was backdated to 10 October 2022 IAW Army Directive 2019-28 dated 19 September 2019. The applicant is requesting additional adjustment stating 10 months from submission to DOR is an undue delay.

b. After review of the applicant's submission and coordination with the NGB's FEDREC Branch it was determined the UVP packet was not uploaded to NGB until May 2022 and the backdate to 10 October 2022 accounted for any undue delay at the NGB level and is within 60-day NGB allotted processing time.

c. Coordination with the NMARNG determined the packet was seen before a FEDREC board at the State level in February 2022, but it was not uploaded to etracker until May 2022. There is no indication for this undue delay. Typical promotion packets are uploaded to etracker from the NMARNG within 7 to 14 days of approval from the FEDREC board. The applicant's packet was delayed through no fault of her own for 75 days more than the average processing time.

d. It is the recommendation of this office that the applicant's request be approved. The applicant's promotion packet was delayed through no fault of her own for 75 days. DOR should be backdated to 25 July 2022 to account for this delay and be in line with reasonable processing timelines.

5. On 29 January 2025, a copy of the advisory opinion was forwarded to the applicant for information and to allow her the opportunity to submit comments or a rebuttal.

6. On 6 February 2025, the applicant responded stating, in effect, she reviewed the document and is truly appreciative of the 75 days, while she still feels that she

experienced a significant delay in her packet. The advisory stated NGB has a 60-day allotted processing time. There were fellow officers who turned in their packets well after hers and were processed in 60-90 days while hers was lost in the process. She missed out on applying for War College that first year and when she was eligible, those with more DOR were given priority. Her State also uses a Senior Selection Board for leadership positions. She was not even considered for a battalion command because of her rank. She believes the delay is no fault of hers and it has caused negative delays in her military career. She requests for the 60-90 day standard for packet processing.

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 and standard review based on law, policy and regulation. Upon review of the applicant's request, available military records and the National Guard Bureau – Special Actions Branch advisory opinion, the Board concurred with the advising official finding the applicant's promotion packet was delayed through no fault of her own for 75 days. Recommending approval that the applicant's DOR should be backdated to 25 July 2022 to account for this delay and be in line with reasonable processing timelines. The Board determined there is sufficient evidence to support amending the applicant's DOR based on the advising opine. Therefore, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 showing the applicant's date of rank (DOR) with an effective date of 25 July 2022, to the rank of Lieutenant Colonel (LTC).

X //SIGNED//

---

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 FEDREC and Related Personnel Actions):

a. The promotion of officers in the ARNG is a function of the State. As in original appointments, a commissioned officer promoted by State authorities has a State status in the higher grade under which to function. However, to be extended FEDREC in the higher grade, the officer must have satisfied the requirements prescribed herein. National Guard officers may be considered and found qualified for FEDREC of their State promotion using two distinct processes: State FEDREC Boards and DA Mandatory Boards. Under either process, the precedent for an actual promotion in the ARNG is State assignment and appointment to the next higher grade. State FEDREC Boards. Officers may be federally recognized through State FEDREC Boards which are often referred to as "State vacancy promotion boards" or "unit vacancy boards" as part the UVP.

b. A commissioned officer who has been promoted by the State and extended FEDREC in the higher grade will be concurrently promoted to the higher grade in the Reserves of the Army with assignment to the ARNGUS. An officer's effective date and DOR as a Reserve of the Army will be determined by their duty status, type of selection board which selected the officer, and delay status (if applicable), and will be as defined below, unless otherwise provided by law. The Chief, NGB will extend FEDREC in the

higher grade to an ARNG commissioned officer using NGB Form 0122E series orders (NGB Special FEDREC Orders).

c. UVP. Effective Date and DOR are the same date and are established when the scroll is either approved by the Secretary of Defense (LTC and below).

2. Department of Defense Instruction 1310.01 (Rank and Seniority of Commissioned Officers) states the Secretary of the Military Department concerned may adjust the DOR of an officer, except a general or flag officer, appointed to a higher grade under Title 10, USC, sections 624(a) or 14308(a) if the appointment of that officer to the higher grade is delayed by unusual circumstances. The Secretary of the Military Department concerned must determine that the unusual circumstance caused an unintended delay in processing or approval of the selection board report or promotion list in order for an officer's DOR to be adjusted.

//NOTHING FOLLOWS//