

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 July 2025

DOCKET NUMBER: AR20240005324

APPLICANT REQUESTS: adjust his Date of Rank (DOR) for the rank/grade of captain (CPT)/O-3.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Special Orders Number IP-11321, 6 May 2022
- NGB Special Orders Number 140, 9 April 2024
- E-mail regarding the applicant's promotion Federal recognition states:
 - There was a system issue in producing the applicant's first lieutenant (1LT) Federal recognition which caused a delay in his Federal recognition for CPT
 - On 5 April 2023, his Unit Vacancy Promotion (UVP) was submitted in the e-tracker
 - On 11 April 2023, his packet was assigned to a scroll
 - On 17 January 2024, the Office of Personnel Management (OPM) was notified his CPT packet had an error
 - On 18 January 2024, OPM resubmitted his 1LT promotion packet in e-tracker
- E-tracker shows:
 - On 17 January 2024, his packet was returned for corrections and to be reloaded once his 1LT promotion packet was uploaded and completed
 - The applicant was to be on the April 2022 Promotion Selection List

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states:

- His UVP packet was submitted in e-tracker on 5 April 2023
- There was a system error in producing his 1LT Federal recognition which delayed his promotion to CPT
- The error was due to no fault of his own
- The error caused loss of pay and DOR
- The e-tracker stated the date of April 2022 but it should be April 2023

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

- With prior enlisted Army National Guard of the United States (ARNGUS) and U.S. Army Reserve service, on 18 May 2019, he executed his oath of office and was appointed as a Reserve commissioned officer
- On 18 May 2019, he was appointed in the Rhode Island ARNG with the same DOR
- On 27 August 2019, he was ordered to active duty for training to attend the Aviation Basic Officer Leader Course by Orders Number 232-035, dated 20 August 2019
- On 9 November 2020, he was honorably released from active duty and reverted to ARNGUS control
- On 18 November 2020, he was promoted to the rank of 1LT with the same DOR by Special Orders Number IP-11321, dated 6 May 2022
- On 24 April 2023, he was ordered to active duty in support of Operation Joint Guardian by Orders Number 42-031-0010, dated 31 January 2023
- On 10 March 2024, he was honorably released from active duty and reverted to ARNGUS control
- On 20 March 2024, he was promoted to the rank of CPT with the same DOR by Special Orders Number 140, dated 9 April 2024

4. On 26 March 2025, in the processing of this case, the NGB, provided an advisory opinion regarding the applicant's request for the adjustment of his DOR for CPT. The advisory official recommended approval of his request. His UVP for promotion to CPT packet was uploaded in March 2023. The packet was sent for scrolling in April 2023 but did not get scrolled until January 2024 due to analyst error having his rank as second lieutenant and not his correct rank of 1LT. This error caused a delay in his promotion, which was eventually caught, and he was eventually promoted on 20 March 2024. It is the opinion the applicant's DOR for CPT and effective date be adjusted from 20 March 2024 to 14 July 2023. He should be added to scroll PL-16-23 which was approved on 14 July 2023.

5. On 16 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined 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. Based upon the available documentation and the findings and recommendation outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to adjust the applicant's DOR to CPT to reflect 14 July 2023.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: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 Army records of the individual concerned be corrected by adjusting the applicant's DOR and effective DOR to CPT to reflect 14 July 2023.

//SIGNED//

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. Army Regulation 135-155 (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). Paragraph 2-4, (Date of rank of 1LTs and above on placement on the RASL), an officer's DOR on original appointment is determined per AR 135-100.

Table 2-1

Time in grade requirements commissioned officers, other than commissioned warrant officers

From	To	Minimum Years in lower grade	Maximum Years in lower grade
O1 (2LT)	O2 (1LT)	2	42 months
O2 (1LT)	O3 (CPT)	2	5
O3 (CPT)	O4 (MAJ)	4	7
O4 (MAJ)	O5 (LTC)	4	7
O5 (LTC)	O6 (COL)	3	(See note below.)

Notes:

Announced annually. Normal time in grade is 5 years, subject to the needs of the Army.

Table 2-2

Military educational requirements commissioned officers, other than commissioned warrant officers grade

From	To	Requirements
2LT	1LT	Resident officer basic course. (See notes 1, 2, 6, 7, 8.)
1LT	CPT	Resident officer basic course. (See notes 2, 5, 6, 7, 8.)
CPT	MAJ	Any officer advanced course. (See notes 5 and 8.)
MAJ	LTC	Fifty percent of the Command and General Staff Officers Course (CGSOC). (See note 3.)

2. National Guard Regulation 600-100 (Commissioned Officer Federal Recognition and Related Personnel Actions), in effect at the time,

a. Paragraph 8-7 (Eligibility for promotion), to be considered for Federal Recognition following State promotion to fill a unit vacancy, an ARNG commissioned officer must:

- Be in an active status; for a minimum of one consecutive year immediately preceding promotion consideration; this one-year period will be on the Active Duty List (ADL), Reserve Active Status List (RASL), or combination of the two
- Be medically fit in accordance with AR 40-501 and meet the height and weight standards
- Have completed the minimum years of Time in Grade (TIMIG)
- Have completed the minimum military education requirements

- Have completed the minimum civilian education requirements
- Have passed an Army Physical Fitness Test (APFT)/Army Combat Fitness Test (ACFT) within the time frame dictated by AR 350-1, an officer who has failed the APFT/ACFT or failed to take the APFT/ACFT should be flagged and is not eligible for Federal Recognition

b. States will not promote a commissioned officer who is in the zone of consideration for a Headquarters, Department of the Army (HQDA) Selection Board if they are within 120-days of the convening date of the board for those officers in the grade of 1LT-MAJ

3. 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.

4. Title 10 United States Code (USC), section 14308 (Promotions: how made), (f) (Effective Date of Promotion After Federal Recognition), (1) The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended. (2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 100 days from the date the NGB deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the NGB, and the delay was not attributable to the action or inaction of such officer:

- In the event of State promotion with an effective date before 1 January 2024, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and
- In the event of State promotion with an effective date on or after 1 January 2024, the effective date of the promotion concerned under paragraph (1) shall be adjusted by the Secretary concerned to the later of:
 - The date the NGB deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the NGB; and
 - The date on which the officer occupies a billet in the next higher grade

5. National Defense Authorization Act 2019, To authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. Section 518 (Authority To Adjust Effective Date Of Promotion In The Event Of Undue Delay In Extending Federal Recognition Of Promotion), Title 10 United States Code (USC), section 14308(f), is amended— (1) by inserting "(1)" before "The effective date of promotion"; and (2) by adding at the end the following new paragraph: "(2) If the Secretary concerned determines that there was an undue delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force, and the delay was not attributable to the action (or inaction) of such officer, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion.". (b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to promotions of officers whose State effective date is on or after that date.

//NOTHING FOLLOWS//