

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006187

APPLICANT REQUESTS:

- (initial) an "administrative change" of promotion sequence number from 197 to 38, or a number that reflects his correct date of rank (DOR) of 1 August 1992.
- (subsequent) adjustment to DOR to MAJ and LTC to be in line with prior DOR adjustments

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

- DD Form 149 (Application for Correction of Military Record)
- Above the Zone (AZ) and Primary Zone (PZ) Medical Service Corps (MSC) Competitive Category First Lieutenants Recommended for Promotion to the Grade of Captain
- U.S. Total Army Personnel Command Order No 160-042
- MILPER Message 00-039

FACTS:

1. The applicant states, in effect:

a. Full relief was granted in ABCMR Case AR20200005991 on 1 April 2021, resulting in a change of date of rank (DOR) to First Lieutenant (1LT) reflecting 1 August 1992 instead of 23 June 1993. The Defense Finance and Accounting Service (DFAS) paid back pay in the approximate amount of \$2,200.

b. This application is to address the cascading effect that the incorrect promotion to 1LT had on his 28-year career. Specifically, the change in DOR to 1LT impacted his DORs to Captain (CPT), Major (MAJ), and Lieutenant Colonel (LTC), which were "off" by 9 to 12 months.

c. The Army Medical Department (AMEDD) CPT/O3 Promotion Board convened from 17 to 27 May 1994. His file went before the board with an incorrect date of rank of 23 June 1993, rather than the correct date of 1 August 1992. He was selected for promotion, sequence number 197, based on the incorrect DOR of 23 June 1993.

d. A change in his promotion sequence number will also result in a change to both his effective date of promotion to CPT and his DOR. Instead of pinning on 1 July 1995, his pin date would have been significantly earlier, thereby entitling him and his family to O3 pay months earlier than July 1995. He believes the correct effective date and DOR to CPT should be in or around August/September 1994 (if not sooner). As a consequence, there exists a cascading effect on his future promotions to MAJ and LTC, particularly with respect to the DOR and pin-on times.

e. He recognizes that he is asking a lot of the administrative and support staff, as well as the leadership, to verify and present this before the panel. He genuinely believes there was no malice on the part of the frontline HR professionals who failed to accurately compute his promotion to 1LT. If this initial error had not occurred, he asserts that the significant reduction in pay would not have happened. He received 1LT pay from August 1992 to June 1993 when it should have been at the rank of CPT. Compounding matters, Cost of Living Allowance (COLA) records from the 1990s are no longer available, resulting in additional loss of pay.

f. Based on MILPER Message Number 00-039, which established Primary Zone (PZ) of consideration for Medical Service Corps Officers with a date of 2 October 1993 - 1 October 1994. This would have been his PZ MAJ/O4 board, but due to the error, he was not "looked at" for promotion to MAJ until a year later (FY01).

2. The applicant provides:

a. AZ and PZ MSC Competitive Category – 1LTs Recommended for Promotion to Grade of CPT (7 pages). The applicant references the following officers, their sequence numbers, and their DORs as evidence to support his request for an adjusted sequence number:

- 1LT Wi___ St___, Sequence #36, DOR 11 July 1992
- 1LT Ku___ Gu___, Sequence #37, DOR 12 July 1992
- 1LT Ab___ Le___, Sequence #38, DOR 19 August 1992

b. U.S. Total Army Personnel Command Order No 160-042, dated 9 June 1995, reflects the applicant was promoted CPT, with an effective date and date of rank of 1 July 1995.

c. After an adjustment was made, by U.S. Army Human Resources Command, to the applicant's DOR to CPT, he provided MILPER Message Number 00-039: FY00 Major, MS, SP, VC and AN Promotion Board Zones of Consideration. The MILPER Message established Primary Zone (PZ) of consideration for Medical Service Corps Officers with a date of 2 October 1993 - 1 October 1994.

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

a. He took the Oath of Office on 1 August 1990 as a Reserve Commissioned Officer in the rank of 2LT. On 23 June 1991, he entered active duty on 23 June 1991.

b. His dates of rank (DOR) are as follows:

- To Second Lieutenant, 1 August 1990
- First Lieutenant, 23 June 1993 (original) / 1 August 1992 (adjusted)
- Captain, 1 July 1995 (original) / 1 September 1994 (adjusted, January 2025)
- Major, 1 January 2002
- Lieutenant Colonel, 1 March 2008

c. The applicant's DD Form 214 reflects he was honorably retired on 30 June 2019 under the provisions of Army Regulation 600-8-24 (Officer Transfers and Discharges), paragraph 6-28, maximum service or time in grade, and separation code SBC. He served 28 years and 8 days of net active service this period and 10 months and 22 days of total prior inactive service. He served in a designated imminent danger pay area - Iraq from 18 December 2010 to 18 June 2011.

4. On 1 April 2021, Docket AR20200005991, after review of the application and all evidence, the Board determined there is sufficient evidence to grant relief. The applicant's contentions, the military record, a U.S. Human Resources Command advisory opinion, and regulatory guidance were carefully considered. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. The Board agreed that there was sufficient documentation to show his date of rank to first lieutenant was 1 August 1992 and his place of entry into active duty was San Antonio, TX.

5. Headquarters, U.S. Army Human Resources Command Order No. 271-008, dated 28 September, reflects paragraph 17 of Order 145-25, issued by U.S. Total Army Command on 10 May 1993, pertaining to the promotion to 1LT of the applicant is amended as follows:

- As reads: Date of Rank and Effective Date, 23 June 1993
- Amended to read: Date of Rank and Effective Date, 1 August 1992

6. Headquarters, U.S. Army Human Resources Command Order No. 025-001, dated 22 January 2025, reflects paragraph 12 of Order 160-042, issued by U.S. Total Army Command on 9 June 1995, pertaining to the promotion to CPT of the applicant is amended as follows:

- As reads: Date of Rank, 1 July 1995

- Amended to read: Date of Rank and Effective Date, 1 September 1994

7. The applicant accepted the correction to his DOR to CPT. In turn, he reiterated the cascading effect of the incorrect promotions to 1LT and CPT had on his 28-year career. He's requested, as previously stated under "Applicant Requests," adjustment to DOR to MAJ and LTC to be in line with prior 1LT and CPT DOR adjustments.

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. One potential outcome was to grant relief by adjusting the applicant's MAJ and LTC by 10 months. However, upon review of the applicant's petition and available military records, the Board found insufficient evidence to support a retroactive change to his promotion sequence number or further adjustments to his DORs to MAJ and LTC. Promotion sequence numbers are determined by board proceedings and reflect the competitive standing of officers at the time of selection. While the applicant provided comparative data on other officers' DORs and sequence numbers, the Board determined that these do not constitute conclusive evidence of administrative error or injustice in his own promotion sequence assignment.

2. The Board acknowledged that full relief was granted in ABCMR Case AR20200005991, which corrected his DOR to 1LT and led to a corresponding adjustment to his DOR to Captain (CPT) from 1 July 1995 to 1 September 1994. Furthermore, the Board agreed promotion to MAJ and LTC involves separate board processes governed by distinct criteria and timelines, and the applicant's record reflects that he was promoted in accordance with applicable policies and procedures. Although the Board recognized the applicant's long and honorable service, including combat duty and over 28 years of active service, it found that further adjustments to his promotion record are not warranted. Therefore, relief is denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XXX	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	XXX	XXX	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.

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:

Army Regulation (AR) 600-8-29 (Officer Promotions), in effect at that time, prescribes policies and procedures governing promotion of Army commissioned and warrant officers on the active duty list. It incorporates provisions of the Defense Officer Personnel Management Act as specified in sections 557 through 563 and 601 through 640, title 10, United States Code, and provisions of the Warrant Officer Management Act as specified in sections 571 through 583, title 10, United States Code

//NOTHING FOLLOWS//