

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 September 2025

DOCKET NUMBER: AR20240006264

APPLICANT REQUESTS:

- Correction of his date of rank (DOR) and effective date of promotion to colonel (COL)/O-6
- Permission to appear personally before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Memorandum
- Maryland Army National Guard (MDARNG) Orders
- NGB Special Orders (SO)

FACTS:

1. The applicant states, in effect, he is a member of the MDARNG, where he serves as a Senior Army Chaplain; he is asking the Board to correct his DOR and effective date of promotion to COL due to an unjust delay in processing.

- He was eligible for promotion in July 2021, but, due to an over allocation of COLs in the MDARNG, his promotion was delayed and ultimately denied; the MDARNG did not promote him until May 2024
- In July 2018, The Adjutant General (TAG), MDARNG, interviewed him for the O-6 billet of MDARNG Senior Army Chaplain; at the time, he was a lieutenant colonel (LTC)/O-5
- In September 2018, TAG selected him for the position
- In the summer of 2021, he submitted his unit vacancy promotion (UVP) packet; after 6 months with no results, he made inquiries and was told his packet had been "pushed aside" during the staffing process
- The applicant notes that the normal procedure is for Officer Personnel Management (OPM) to staff UVPs, and the promotions are then approved by TAG; in his case, no one forwarded his promotion packet to TAG
- The G-1 told him the MDARNG was "over-allocated" in O-6s, and the applicant would have to wait until one of the O-6s retired

- The applicant notes that NGB Personnel Policy Operational Memorandum (PPOM) Number 17-004 requires all Chaplain COL authorizations to be "fenced," meaning the positions cannot be moved or loaned to another specialty branch
 - The only way his position as the MDARNG's Senior Army Chaplain could have been unavailable due to "over-allocation" was if the MDARNG assigned a non-chaplain O-6 to his billet
 - It was evident to the applicant that PPOM 17-004 had not been followed, and he asked the G-1 to elevate his concerns to the chain of command; however, to date, no one has ever acknowledged or addressed the matter
 - The applicant declares the 3-year delay in his promotion to COL has caused him to miss out on several senior positions, and his career has been irreparably harmed
2. A review of the applicant's service record shows the following:
- On 18 December 1997, after serving as an enlisted Soldier in the MDARNG, the applicant executed his oath of office as a commissioned officer and chaplain in the MDARNG; on 20 June 2003, the applicant resigned and the MDARNG honorably discharged him and transferred him to the U.S. Army Reserve
 - On 12 April 2010, the MDARNG reappointed the applicant as a chaplain and, effective 23 July 2018, promoted him to LTC
 - Effective 1 September 2018, the MDARNG placed the applicant in the position of Senior Chaplain at the ARNG Staff Element of the MDARNG Joint Headquarters
 - On 4 March 2024, an MDARNG memorandum announced that the Fiscal Year 2024 (FY24) Reserve Component COL Chaplain Corps promotion selection board had selected him for promotion
 - On 1 May 2024, the MDARNG issued the applicant his notification of eligibility for retired pay at age 60 (20-Year Letter)
 - On 9 May 2024, NGB SO announced the Federal recognition of the applicant's promotion to COL, effective 2 May 2024
 - The applicant is currently serving in the MDARNG
3. On 4 April 2025, NGB provided an advisory opinion and recommended approval of the applicant's request.
- Upon coordination with the MDARNG, NGB learned the applicant's current mandatory removal date (MRD) is in 2026
 - Although the MDARNG did not prioritize a UVP advancement for the applicant in 2021, it is unlikely that the MDARNG intended to prevent him from serving 3-years' time-in-grade (TIG) as an O-6 before reaching his MRD

- (Title 10 (Armed Forces), U.S. Code, section 1370a (b) (Officers Entitled to Retired Pay for Non-Regular Service) requires officers in the grade of O-4 and above to have not less than 3 years' TIG before they can retire in that grade)
- The MDARNG supports any reasonable revision to the applicant's DOR and effective date of promotion, as long as it does not exceed 28 March 2023 (so the applicant will have completed 3-years' TIG as a COL when he reaches his MRD)
- The NGB recommends approval of the applicant's request to revise his DOR and effective date of promotion to COL to a date in July 2021; NGB additionally recommends the Board approve the authorization of back pay and allowances

4. On 8 April 2025, the Army Review Boards Agency provided the applicant a copy of NGB's advisory opinion for his review and the opportunity to submit a rebuttal; he did not respond.

BOARD DISCUSSION:

1. 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 review based on law, policy, and regulation. The Board reviewed and concurred with the National Guard Bureau's advisory noting the MDARNG did not prioritize a UVP advancement for the applicant in 2021, it is unlikely that the MDARNG intended to prevent him from serving 3-years' TIG as an O-6 before reaching his MRD. Title 10, USC, section 1370a (b) requires officers in the grade of O-4 and above to have not less than 3 years' TIG before they can retire in that grade. Therefore, the Board determined the applicant's DOR should be adjusted to 1 July 2021.

2. 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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XX	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 partial relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by amending Orders Number Special Orders Number 180 dated 9 May 2024 to show his DOR as 1 July 2021 and as a result of the correction payment of applicable back pay and allowances.

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. Title 10 (Armed Forces), U.S. Code, section 1370a (Officers Entitled to Retired Pay for Non-Regular Service) states officers in the grade of O-4 and above must have no less than 3 years' time-in-grade before they can retire in that grade.

2. Title 32 (National Guard), U.S. Code, section 307 (Federal Recognition of Officers: Examination; Certificate of Eligibility).

a. To be eligible for Federal recognition as an officer of the National Guard, a person must:

- Receive an appointment with a view to filling a vacancy in a federally recognized unit or organization of the National Guard
- Have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved; and
- pass an examination for physical, moral, and professional fitness to be prescribed by the President, and subscribe to the oath of office

b. The examination prescribed above:

- Shall be conducted, for the ARNG, by a board of three commissioned officers designated by the Secretary of the Army from members of the Regular Army or the ARNG of the United States (ARNGUS), or both
- may be held before original appointment or promotion

c. If the board finds the person qualified, the Chief of the National Guard Bureau may issue the person a certificate of eligibility for Federal recognition for he officer for which he/she is qualified.

- Federal recognition shall be extended to each officer of the Army Reserve who has qualified for appointment as an officer of the ARNG in his reserve grade
- Federal recognition extended to an officer of the Army Reserve qualified for appointment as an ARNG officer is effective from the date of appointment in the ARNG

3. National Guard Regulation 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions), currently in effect, prescribes policies and procedures for Federal recognition. Chapter 8 (Promotion for Other than General Officers) includes guidance on Unit Vacancy Promotions (UVP).

a. Paragraph 8-1 (Responsibilities). 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 federal recognition in the higher grade, the officer must have satisfied the requirements prescribed herein.

(1) ARNG officers may be considered and found qualified for Federal recognition of their state promotion using two distinct processes: State Federal recognition Boards and DA Mandatory Boards.

(a) State Federal Recognition Board (FRB). Officers may be federally recognized through State FRB, which are often referred to as "State vacancy promotion boards" or "unit vacancy boards" as part of the Unit Vacancy Promotion (UVP) process.

(b) DA Mandatory Boards. The second way to federally recognize the State promotion is through the DA Mandatory Promotion Selection Boards process. Mandatory promotion selection boards are convened by the Secretary of the Army, pursuant to Title 10, U.S. Code, section 14101(a). Those National Guard officers selected ("DA Select") by a DA mandatory board who are then appointed by the State in that higher grade to fill a vacancy in the ARNG are extended Federal recognition in that grade, without the examination prescribed by Title 32, U.S. Code, section 307.

(2) Under either process, the precedent for an actual promotion in the ARNG is State assignment and appointment to the next higher grade. Selection for promotion does not automatically constitute an approved promotion action. Those that are eligible for promotion must be recommended by commanders and approved by the State's The Adjutant General (TAG).

b. Section II (Promotion to Fill Unit Vacancies).

(1) 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
- Be medically fit
- Have completed the minimum years of time-in-grade (TIG); (for promotion from lieutenant colonel (LTC) to colonel (COL), the TIG is 3 years)
- Have completed minimum military and civilian education requirements
- Have passed a physical fitness test
- Chaplains being considered for promotion to COL must submit a copy of their DD Form 2088 (Statement of Ecclesiastical Endorsement)

(2) Paragraph 8-14 (Consideration for Promotion by a Mandatory Selection Board). A commissioned officer will be considered for promotion by a DA mandatory selection board, in their competitive category as a Reserve commissioned officer of the Army, when the officer meets minimum TIG requirements prescribed for the zone of consideration. Consideration for promotion by a DA mandatory selection board will occur during the year prior to the year the officer reaches maximum TIG.

4. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states in paragraph 2-11 (ABCMR) Hearings, that 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.

//NOTHING FOLLOWS//