

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240006392

APPLICANT REQUESTS: reinstatement of rank to sergeant (SGT)/E-5

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings Statement

FACTS:

1. The applicant states in pertinent part that his unit failed to input his promotion order in the system. He contests that he was reduced from SGT to specialist (SPC)/E-4 due to inefficiency. He notes that his promotion to SGT was conducted prior to the requirement to complete additional leadership courses. Due to budget restraints and the system challenges associated with online learning, he was unable to complete his course requirements within the allotted time.

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

a. On 4 June 2003, the applicant enlisted in the Army National Guard (MOARNG) with duty as a 52D (Power Generator Mechanic).

b. On 4 August 2004, the applicant was advanced to SPC.

c. On or about 1 January 2006, he was promoted to SGT.

d. On 6 June 2009, the applicant attended the Warrior Leader Course (WLC). However, on 20 June 2009, he was dismissed from the course for failing to achieve academic standards; failed the Individual Training Performance Evaluation and Retest.

e. On 9 July 2010, the applicant attended WLC. However, on 24 July 2010, he was dismissed from the course for failing to achieve course standards; failed initial garrison leadership evaluation and was dismissed before re-evaluation.

f. On 4 December 2014, the MOARNG issued Orders Number 338-101 announcing the applicant's reduction to SPC due to inefficiency effective 9 September 2014, in accordance with Army Regulation 600-8-19, paragraph 10-5.

g. On 7 June 2023, the applicant was issued a Notification of Eligibility for Retired Pay for Non-Regular Service (20 Years) letter.

h. On 5 September 2023, the MOARNG issued Orders Number 5895874 reassigning the applicant to the Retired Reserve at the rank of SPC effective 12 September 2023.

3. The applicant provides a Leave and Earnings Statement dated 3 February 2006, reflective of his pay and entitlements for February 2006 at the rank of SGT.

4. On 4 February 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending disapproval of the applicant's request noting that he was promoted to SGT with a date of rank of 1 January 2006. This conditional promotion was authorized in accordance with (IAW) Army Regulation 600-8-19 dated 20 January 2004 with the requirement that he would attend the Primary Leadership Development Course (PLDC). The applicant did not attend or complete PLDC and the requirement expired with the new regulation. IAW Army Regulation 600-8-19 dated 21 July 2006; the Warrior Leadership Course (WLC) becomes the requirement for recommendation for promotion to Staff Sergeant (SSG). The applicant attended WLC in 2009 and 2010 and was released from the course for "Failed to Achieve Course Standards". His DA Form 2166-8 (NCO Evaluation Reports) consistently had a "Marginal" rating from 1 December 2009 to 8 September 2014 totaling in five evaluations. He was demoted to SPC effective 9 September 2014 for inefficiency IAW AR 600-8-19 paragraph 10-6 dated 30 April 2010. Upon retirement the applicant was still not eligible to be considered for promotion to SGT and did not appear on the promotion list. Therefore, he was correctly retired in the rank of SPC.

5. On 7 February 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 23 February 2025, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations outlined in the NGB advisory opinion, as well as the lack of any rebuttal submitted by the applicant of those facts and recommendations, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record related to rank annotation.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

//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 600-8-19 (Enlisted Promotions and Reductions), 25 January 2005, in effect at the time of the applicant's promotion provides in Paragraph 1-27 (Noncommissioned Officers Education System (NCOES) Requirement for Promotion and Conditional Promotion) that to be promoted to sergeant (SGT), a Soldier must be a graduate of the Primary Leadership Development Course (PLDC). Conditional promotion to SGT will be for a period not to exceed 12 months. Soldiers enrolled in their appropriate NCOES course at the end of the 12-month timeframe will be allowed to complete the training and retain their promoted grade upon graduation. Soldiers who fail to successfully complete, fail to remain eligible to be scheduled for or attend, who are denied enrollment in, or who do not attend their scheduled NCOES class (through fault of the soldier) will be administratively reduced and/or removed from the promotion list. The effective date of administrative reduction is the date of the action that caused the soldier to be ineligible to retain the promotion. The DOR will be the previous DOR held at the reduced grade. These soldiers must re-compete for promotion. Soldiers who have been reduced or removed from the promotion list as a result of failure to meet the NCOES requirement are ineligible for a future conditional promotion to the same grade.

Army Regulation 600-8-19, 30 April 2010, in effect at the time of the applicant's reduction provides in Section III (Reduction for Inefficiency), Paragraph 10-5 (Policy) as of 30 April 2010, provides that inefficiency is a demonstration of characteristics that shows that the person cannot perform duties and responsibilities of the grade and MOS. Inefficiency may also include any act or conduct that clearly shows that the Soldier lacks those abilities and qualities normally required and expected of an individual of that grade and experience. Commanders may consider misconduct, including conviction by civil court, as bearing on inefficiency. A Soldier may be reduced under this authority for longstanding unpaid personal debts that he or she has not made a reasonable attempt to pay.

2. Army Regulation (AR) 15-185 (ABCMR) 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//