

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240007255

APPLICANT REQUESTS: correction of his date of rank (DOR) and effective date of promotion to major (MAJ)/O-4.

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

- DD Form 149 (Application for Correction of Military Record)
- New York Army National Guard (NYARNG) Promotion Memorandum for Record (MFR)
- Case Actions History
- Email

FACTS:

1. The applicant states, in effect:

- He is a member of the NYARNG, and, effective 7 September 2022, the NYARNG promoted him to MAJ; however, the National Guard Bureau (NGB) did not Federally recognize his promotion until 164 days later, on 17 February 2023
- The Secretary of the Army granted the ARNG the authority to amend the DOR and effective dates for those commissioned and warrant officers whose Federal recognition was delayed between June 2021 and October 2022
- The applicant was able to verify that he should have been on the roster of officers whose DOR and effective date needed correction, but he was mistakenly excluded
- In support of his request, he supplies a copy of the NYARNG MFR, announcing his promotion; a roster with a history of case actions; and email correspondence wherein the NYARNG Officer Personnel Management recommended he apply to the Army Board for Correction of Military Records for relief

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

- On 23 May 2012, after serving as an enlisted Soldier in the NYARNG and graduating from officer candidate school, the applicant executed his oath of office as an NYARNG commissioned officer

- On 8 September 2022, the NYARNG issued an MFR announcing the applicant's promotion to MAJ, effective 7 September 2022
- On 24 February 2023, the NGB published a Special Order showing Federal recognition for the applicant's promotion to MAJ and listing the effective date as 17 February 2023
- The applicant currently serves in the NYARNG

3. On 12 May 2025, NGB provided an advisory opinion and recommended approval of the applicant's request.

- A review of the applicant's request shows his promotion packet was forwarded to NGB, on 17 September 2022, and NGB published his Federal Recognition orders, on 24 February 2023
- NGB notes the applicant referenced Army Directive (AD) 2019-28 (Authority to Adjust Effective Date of Promotion of a Reserve Commissioned Officer in the Event of Undue Delay in Federal Recognition of Promotion)
 - This AD authorizes the adjustment of promotion effective dates for Reserve Component officers who experienced undue delays in the administrative processing of their unit vacancy promotion appointment scrolls
 - However, the AD cannot be applied to the applicant's case because it only addressed delays that happened at Headquarters, Department of the Army level
- On 12 February 2024, the Secretary of the Army signed an exception to policy (ETP) to AD 2019-28
 - The Secretary authorized NGB to amend effective dates and DORs for those commissioned and warrant officers whose promotions had been delayed for more than 100 days during the period 1 June 2021 to 1 October 2022
 - The applicant's DOR issue was part of a group application, requesting that NGB correct DORs; unfortunately, the applicant's name was mistakenly omitted from the list
 - The NGB believes the applicant's DOR and effective date of promotion should have been adjusted, and his corrected DOR and effective date should be 5 February 2023 (152 days after the applicant's NYARNG's promotion)

4. On 27 May 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:

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 finding. The Secretary authorized NGB to amend effective dates and DORs for those commissioned and warrant officers whose promotions had been delayed for more than 100 days during the period 1 June 2021 to 1 October 2022. The applicant's DOR issue was part of a group application, requesting that NGB correct DORs; unfortunately, the applicant's name was mistakenly omitted from the list. The NGB believes the applicant's DOR and effective date of promotion should have been adjusted, and his corrected DOR and effective date should be 5 February 2023. Therefore, due to the delay, the Board recommends that the applicant's date of rank and effective date of promotion be adjusted to 5 February 2023.

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 and Army National Guard records of the individual concerned be corrected by issuing the applicant a Special Order extending him Federal recognition for promotion to MAJ with an effective date and date of rank of 5 February 2023 with entitlement to 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 14308 (Reserve Components – Promotion and Retention of Officers on the Reserve Active Status List – Promotions: How Made) addresses promotions for Reserve Component commissioned officers.

a. Subparagraph (f) (Effective Date of Promotion after Federal Recognition) states, "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 (Federal Recognition of Officers: Examination; Certificate of Eligibility) or 310 (Federal Recognition of National Guard Officers) of Title 32 (National Guard) shall be the date on which such Federal recognition in that grade is so extended."

b. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 amended subparagraph (f), section 14308 by placing "(1)" in front of the existing subparagraph and adding the following as "(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."

c. The NDAA for FY 2023 further amended subparagraph (f), section 14308 by incorporating the following into the previously added paragraph (2):

"(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 National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer:"

"(A) in the event of State promotion with an effective date before January 1, 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"

"(B) in the event of State promotion with an effective date on or after January 1, 2024, the effective date of the promotion concerned under paragraph (1) shall be adjusted by the Secretary concerned to the later of:"

"(i) the date the National Guard Bureau deems such officer's application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and"

"(ii) the date on which the officer occupies a billet in the next higher grade."

2. Army Directive 2019-28 (Authority to Adjust Effective Date of Promotion of a Reserve Commissioned Officer in the Event of Undue Delay in Federal Recognition of Promotion), dated 19 September 2019 and currently in effect, states:

a. Effective immediately, an Army National Guard (ARNG) unit vacancy promotion appointment scroll will be considered delayed for the purposes of this directive when processing exceeds a set limit of days as a result of administrative delay within Headquarters, Department of the Army.

b. To be designated as unduly delayed, the scroll package must meet the following conditions:

- The processing time within Department of the Army must not exceed 100 days as a result of a processing delay or administrative error
- The delay cannot be the result of a promotion review, due to adverse information pertaining to the officer
- The delay cannot be attributable to the action or inaction of an officer whose name appears on the promotion appointment scroll

c. When a delayed scroll meets the above criteria, the Secretary of the Army will determine the effective date for promotion for ARNG commissioned and warrant officers on the affected scroll. The date will not be earlier than 100 days from the date the Directorate of Military Personnel Management first receives the scroll package from the National Guard Bureau, or the date of the most recent previously approved Federal recognition list, whichever is later.

//NOTHING FOLLOWS//