

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 September 2025

DOCKET NUMBER: AR20240007268

APPLICANT REQUESTS:

- Correct his date of rank (DOR) and effective date for his promotion to colonel (COL)/O-6
- If DOR and effective date changes are approved, authorize backpay
- Permission to appear personally before the Board

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

- Three DD Forms 149 (Application for Correction of Military Record)
- Two National Guard Bureau (NGB) Memoranda
- Two Michigan Army National Guard (MIARNG) Orders
- MIARNG Memorandum for Record
- NGB Special Orders
- DA Form 1574-1 (Report of Proceedings by Investigating Officer)
- Title 10 (Armed Forces), U.S. Code, section 14308 (Promotions: How Made)

FACTS:

1. The applicant states, in effect:

- He is currently a member of the MIARNG and in an Active Guard/Reserve (AGR) status; on 1 April 2023, the MIARNG placed him in a COL duty assignment; at the time, he was a lieutenant colonel (LTC)/O-5 and fully eligible for promotion to COL; he adds that for 6 months, and prior to the MIARNG moving him to his ultimate duty assignment, he performed the duties of an O-6
- The MIARNG had arranged to conduct a Unit Vacancy Promotion (UVP) Federal Recognition (FEDREC) Examining Board in April 2023 and, initially, the board was to consider him and four other AGR officers for Federal recognition
- However, prior to the board being convened, the applicant learned his UVP packet would have to go before a separate board in May; the only explanation given was that "NGB would not authorize" the applicant for the April board; the April board ended up considering only the four other LTCs

- The applicant notes that, on 7 April 2023, NGB authorized a temporary control grade specifically for him and that it covered the period 1 June to 31 December 2023
 - "Specific to Michigan, one T32 (Title 32 (National Guard), U.S. Code) AGR LTC UVP packet was submitted pending the retirement of a MIARNG O-6 on 31 October 2023 (FY 2024)"
 - "I was not authorized a UVP submission until 1 June 2024 (sic), pending the retirement of another T32 MIARNG AGR O-6 on 31 December 2023 (FY 2024)"
 - "Two other AGR LTC UVP packets were managed by NGB, as they are T10 (Title 10, U.S. Code) AGR officers"
 - "The final T32 MIARNG AGR LTC was not even required to have a temporary control grade authorization memorandum from NGB, yet his UVP packet was FEDREC in April 2023. Why was my UVP promotion packet withheld from the April 2023 MIARNG FEDREC board?"
- The applicant contends, historically, NGB's authorization of control grades has not been consistent; "NGB arbitrarily and unnecessarily limits promotions for AGR officer based on control grade authorizations although the availability of authorizations consistently exists nationally within each fiscal year"
- "In this instance...there is not an equal application of the distribution of authorizations, and exceptions are made without a consistent application of control grade authorizations across the ARNG"
- Additionally, "timely processing of promotions at NGB are inconsistent and often based on personal relationships, favors, or senior leader influence"; for the four UVP packets mentioned above, it took only 81 days, from submission to NGB to Senate confirmation; in the applicant's case, it was 191 days
- The four AGR officers were promoted to COL, on 21 June 2023; by contrast, the applicant was not promoted until 20 November 2023; "I am requesting back pay and DOR adjustment to 21 June 2023 as I was unjustly prohibited from having my UVP packet appear before the April 2023 FEDREC board..."
- If the Board chooses not to grant him a DOR of 21 June 2023, he asks the Board to consider what he describes as "multiple improper actions" on the part of the now retired former MIARNG Chief of Staff (COL R__ S__)
- The relationship between COL S__ and the applicant has been "tumultuous" for over a decade; on 5 May 2023, COL S__ improperly directed the suspension of favorable actions (FLAG) for the applicant
 - The applicant's MIARNG FEDREC board was scheduled to occur in May 2023, but because of the flagging action, the board did not convene
 - The flag was not lifted until 26 May 2023, when the MIARNG Assistant TAG (The Adjutant General) intervened on the applicant's behalf

- Despite the flag's removal, the applicant's UVP packet was further delayed when COL S__ failed to direct the MIARNG G-1 to schedule a FEDREC board; his packet sat without action from 1 June until 24 October 2023
- But for COL S__'s deliberately improper actions and subsequent inaction, the NGB would have received the applicant's UVP packet before 14 June 2023, and his promotion would have occurred within current UVP timelines (i.e., the Title 10, U.S. Code, section 14308 requirement not to exceed 100 days)
- "In the event full relief is not granted...I am requesting backpay and DOR no later than 8 September 2023, which is 100 days from 1 June 2023, when my UVP packet...should have been submitted..."

2. The applicant provides documents from his service record and the following:

- NGB Memorandum, subject: 1XO6 Temporary Controlled Grade Approval dated 7 April 2023
 - NGB approved MIARNG's request for a temporary controlled grade for the applicant, based on the loss of COL R__ S__
 - The period of approval was 1 June to 31 December 2023
- NGB Memorandum, subject: Revision of Time in Grade (TIG) Criteria for Promotion from Lieutenant Colonel (LTC) to Colonel (COL) (PPOM 23-027) dated 14 June 2023
 - Effective 14 June 2023, an LTC being considered for promotion to COL must have 4-years' time-in-grade (TIG)
 - Promotion packets received at NGB prior to 14 June 2023 will be processed under the previous criteria (3-years' TIG), as stated in National Guard Regulation (NGR) 600-100 (Commissioned Officer Federal Recognition and Related Personnel Actions)
- DA Form 1574-1, reflecting the results of an investigation, convened per Army Regulation (AR) 15-6 (Procedures for Investigating Officers and Boards of Officers) and conducted between 23 April and 1 May 2023; Section VII (Action by Approving Authority) shows the following:
 - The findings that the applicant did not follow policy for complaints or accusation against military personnel are deleted due to the accusations being unsubstantiated
 - Recommendations concerning the applicant are deleted in their entirety

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

- On 13 September 2003, after completing prior enlisted service in the U.S Marine Corps and serving as an enlisted Soldier in the MIARNG, the applicant executed his oath of office as a commissioned officer in the MIARNG
- On 26 February 2013, MIARNG Orders called the applicant to active duty to perform AGR duties, under Title 32, U.S. Code (T32)
- Effective 24 October 2019, NGB Federally recognized the applicant's promotion to LTC
- On 3 August 2019, the applicant entered T10 AGR status and performed duties at NGB
- On 15 April 2021, the applicant returned to the MIARNG and reentered T32 AGR status
- Effective 20 November 2023, NGB Federally recognized the applicant's promotion to COL; the applicant continues his T32 AGR service in the MIARNG

4. On 13 August 2025, the NGB provided an advisory opinion and recommended partial approval of the applicant's requests by backdating his DOR and effective date to 8 September 2023.

- The applicant states two UVP packets were unduly delayed; additionally, the applicant believes NGB unjustly promoted two other T10 AGR officers ahead of him
- The applicant makes two requests:
 - Relief to correct his DOR and effective date to 21 June 2023 to align with the date the other AGR Soldiers were promoted following the April 2023 FEDREC board; or
 - Relief to correct his DOR and effective date to 8 September 2023, 100 days after he could have been promoted into the authorized grade provided the FEDREC board was completed and UVP packet was submitted timely
- The issues concerning authorization management can be addressed by the fact that T10 AGR control grades are managed at NGB while T32 control grades are at the state level
 - On 6 February 2023, MIARNG notified the applicant about his UVP packet; at the time, the requirements for promotion had not been met, in that the control grade had not been approved and the applicant was not in a higher grade
 - Once those requirements were met, the UVP packet could be submitted
- Regarding the AR 15-6 investigation and the DA Form 1574-1, the applicant was under a commander's investigation; the investigating officer (IO) was appointed on 28 February 2023 and completed the findings and recommendations on 1 May 2023

- AR 600-8-2 (Suspension of Favorable Personnel Actions (Flag)), chapter 2 (Policy and Management of Flag), paragraph 2-2g (Circumstances Requiring a Nontransferable Flag) required the applicant to be flagged because of the commander's investigation
- Although the IO completed the findings and recommendations in May 2023, the investigation itself was not finalized until 26 February 2024; by that time, the applicant had already been promoted
- "It is likely that the Soldier may have been promoted had MIARNG actioned a FEDREC board within the three-week period or submitted an ETP for the Soldier prior to the suspense date to permit submission of the UVP packet for promotion"
- Based on the foregoing, the applicant's DOR and effective date should be backdated to 8 September 2023

5. On 13 August 2025, the Army Review Boards Agency provided the applicant a copy of NGB's advisory opinion to give him the opportunity to review and submit a response. On 15 August 2025, the applicant responded with the following:

- "My original memorandum...outlines several inconsistent and unfair practices that NGB engaged in, yet there once again is no discussion or defense of those actions...because there is no defense"
- Further, the NGB advisory asserts the applicant expressed concern about the promotion of two T10 officers; the applicant declares he never made such a claim; instead he was referring to the promotion of two MIARNG T32 officers
- With regard to being flagged, the applicant states he was investigated but was not flagged; "Clearly, I was the subject of an investigation that was not properly conducted and in violation of AR 15-6 and my due process rights as a field grade commissioned officer"
- "The entire situation involving the improper investigation and my promotion is nefarious, in violation of T-32 AGR promotion policy and/or process and is unjust. I am requesting full relief to correct my DOR to 21 June 2023 and be authorized back pay and entitlements to reflect that"

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, the advisory opinion, and regulatory guidance were carefully considered.

a. Correct his DOR to COL: Partial. The Board concurred with the NGB advisory opinion, which opined that although the IO completed the findings and recommendations in May 2023, the investigation itself was not finalized until 26 February 2024; by that time, the applicant had already been promoted. It is likely that he may have been promoted had MIARNG actioned a FEDREC board within the three-week period or submitted an ETP for the Soldier prior to the suspense date to permit submission of the UVP packet for promotion. Based on the foregoing, the applicant's DOR and effective date should be backdated to 8 September 2023. Therefore, the Board determined partial relief was warranted.

b. Correct his Effective to COL: Partial. The Board concurred with the NGB advisory opinion, which opined that although the IO completed the findings and recommendations in May 2023, the investigation itself was not finalized until 26 February 2024; by that time, the applicant had already been promoted. It is likely that he may have been promoted had MIARNG actioned a FEDREC board within the three-week period or submitted an ETP for the Soldier prior to the suspense date to permit submission of the UVP packet for promotion. Based on the foregoing, the applicant's DOR and effective date should be backdated to 8 September 2023. Therefore, the Board determined partial relief was warranted.

c. Back Pay to Effective date of Promotion to Col: Partial. The Board determined that partial relief was warranted in that applicant is authorized back pay to the rank of COL from 8 September 2023.

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:Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 issuing the applicant a Special Order extending him Federal recognition for promotion to COL with an effective date and date or rank as 8 September 2023, with entitlement to back pay and allowances, if applicable, as a result of this correction.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional relief in excess of the above.

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. 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), 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

4. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-11 (ABCMR Hearings). 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.

b. Paragraph 3-1 (Authority). The Army, by law, may pay claims for amounts due to applicants as a result of correction of military records.

c. Paragraph 3-2 (Settlement of Claims).

(1) The ABCMR will furnish the Defense Finance and Accounting Service (DFAS) copies of decisions potentially affecting monetary entitlement or benefits. The DFAS will treat such decisions as claims for payment by or on behalf of the applicant.

(2) The DFAS will settle claims on the basis of the corrected military record. The applicant's acceptance of a settlement fully satisfies the claim concerned.

//NOTHING FOLLOWS//