

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 April 2025

DOCKET NUMBER: AR20240007701

APPLICANT REQUESTS: Date of Rank (DOR) for promotion to Chief Warrant Officer Three (CW3) adjustment to reflect 10 November 2022 vice 9 June 2023 with entitlement to back pay of allowances.

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 213 AR, 20 June 2023 – Federal recognition of promotion to CW3; DOR 9 June 2023
- Email communication (March-April) – communication concerning submitting a collective Army Board for Correction of Military Records case, National Guard Bureau (NGB) processing times etc.; advised to submit an individual request
- NGB Form 89 (Proceedings of a Federal Recognition Examining Board), 30 June 2022 (page 1 of 2) – finding the applicant qualified for promotion to CW3
- eTracker History – reflective of the applicant's scroll processing history from December 2022 – June 2023; promotion packet accepted in February 2023; Federal recognition order published on 20 June 2023
- Title 10, U.S. Code, Section 14308 (Promotions: How Made) – DOR shall be the date on which such Federal recognition in that grade is so extended; if delayed in excess of 100 days from the date the NGB deems such application is completely submitted, the date may be adjusted to a date determined by the Secretary concerned
- Memorandum – Subject: Federal Recognition – NGB Clarification of Fully Submitted Officer/Warrant Officer Promotion Packets (PPOM 23-047), 2 November 2023:
 - established baseline date for which the NGB considers an Officers application for Federal Recognition (FEDREC) to be completely submitted by the State; if in excess of 100 days, the Officers DOR will be adjusted to equal 100 days
 - Warrant Officers being promoted to CW3 may submit their packets 120 days prior to Promotion Eligibility Date (PED), however the DOR will not be prior to the PED

- Memorandum – Subject: Unit Vacancy Promotion (UVP) and Department of the Army Select (DA Select) Promotion Notifications, 24 October 2023 – clarification on the designated roles and processes for notification of promotion scroll withhold/removal and "show cause" for UVP and Department of the Army Select Promotions
- Presentation – Officer Selection Board Policy Branch – information pertaining to delays in the UVP FEDREC process
- Presentation – ARNG UVP FEDREC – information pertaining to the processing of UVP FEDREC
- Department of the Army FEDREC Improved Staffing and Approval Process – information pertaining to the processing timelines impacted by a projected reduction of 40 days in staffing
- Self- authored letter (Chief Warrant Officer Five T_D_) – letter of support to the applicant's request for an adjustment of her DOR noting several delays in the processing timeline; calculated to reflect a 27 November 2022
- FEDREC Map – processing timeline from origination to FEDREC
- Email communication – reflective of information pertaining to creation of promotion scroll
- Army National Guard (ARNG) G-1 Monthly Update – March 2022 – reflective of a variety of personnel information to include Division policy and PPOM information
- CW5 T_D_ Support Form 2022-2023 – reflective of her accomplishments and achievements during the rating period
- Email communication – reflective of communication advising the applicant to seek relief through the ABCMR process
- PowerPoint information – reflective of information pertaining to the delay in FEDREC processing timelines
- Email communication – reflective of communication concerning the applicant's scrolling; applicant to be placed on the original scroll that she was removed from allowing for the DOR to be adjusted based on the date of the original scroll to include back pay
- Memorandum – Subject: Guidance for Adverse Information Screening for Officer Promotions – policy pertaining procedures for conducting adverse information screening for Officer promotions
- Email communication – information pertaining to personnel removed from the scroll awaiting notification; several warrant officers have been stuck in the process for 19 months
- Warrant Officer Senior Advisory Council – Executive Committee Meeting Notes – information pertaining to the processing of warrant officer promotions to include professional education and the PPOM

FACTS:

1. The applicant states:

- FEDREC Board was conducted on 30 June 2022
- packet submitted to the NGB on 13 July 2022; processing time at the State level is normally 30 days, however the packet was not accepted by the NGB until 18 October 2022 (approximately 98 days from submission and 68 days past the normal processing times)
- in accordance with Title 10, U.S.C., Section 14308 she is eligible for the backdating of her DOR to 100 days following assignment to the Promotion Screening List (PSL)

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

- On 2 January 2018 (Special Orders Number 1) – the applicant received FEDREC of initial appointment as a Warrant Officer, effective 28 June 2017
- On 10 May 2018 – the applicant completed the Warrant Officer Basic Course
- On 19 June 2018 (Orders Number 170-506) awarded the applicant 915A0 Military Occupational Specialty, effective 10 May 2018
- On 1 November 2018 (Orders Number 305-009) – ordered the applicant to active duty in the Active Guard/Reserve (AGR), effective 1 November 2018, for her initial AGR tour
- On 8 November 2018 (Orders Number 312-509) – reassigned the applicant to Headquarters and Headquarters Battery Ground-based Missile Defense (GMD) Battalion, effective 1 November 2018
- On 3 January 2019 (Special Orders Number 2 AR) – the applicant received FEDREC of promotion to chief warrant officer two (CW2), effective 10 May 2018
- On 10 January 2019 (Special Orders Number 10) – the applicant received FEDREC of her interstate transfer from WA to AK, effective 1 November 2018
- On 16 September 2021 (Orders Number 259-001) – retained the applicant on AGR duty from 1 November 2021 – 31 July 2036
- On 22 June 2023 – (Orders Number 5142560) – the applicant was promoted by the State to CW3, effective 9 June 2023

3. On 1 April 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending partial approval noting that after review of her submission and coordination with NGB FEDREC branch, the applicant's packet was uploaded to eTracker on 13 July 2022 but required correction by the AKARNG and was accepted by FEDREC with the correction on 18 October 2022, within normal processing times. The applicant was added to a PSL. She was removed from a PSL pending adjudication of derogatory information. It was determined that she was erroneously removed, and no derogatory information was found. Had this undue delay not occurred the PSL the applicant would originally be assigned to PSL 22-12 turned into promotion scroll W02-23 approved by the Secretary of Defense on 31 January 2023. Furthermore, the applicant cites PPOM 23-047 and Title 10, USC, section 14308f for reason of backdating however her proposed DOR is before the Secretary of Defense signed the

National Defense Authorization Act and would not apply to this case. Therefore, it is their recommendation that the applicant's request be partially approved. She was erroneously delayed for derogatory information. Had the delay not occurred she would have been added and promoted with scroll W02- 23 that was published with a DOR and effective DOR of 31 January 2023.

4. On 2 April 2025, the applicant was provided with a copy of the advisory opinion and afforded 7 days to provide comments. She did not respond.

BOARD DISCUSSION:

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, and regulatory guidance were carefully considered. The Board concurred with the National Guard Bureau, Special Actions Branch, which provided an advisory opinion recommending partial approval. It was determined that she was erroneously removed from the scrolls, and no derogatory information was found. Had this undue delay not occurred the PSL the applicant would originally be assigned to PSL 22-12 turned into promotion scroll W02-23 approved by the Secretary of Defense on 31 January 2023. However, her proposed DOR is before the Secretary of Defense signed the National Defense Authorization Act and would not apply to this case. Therefore, had the delay not occurred, she would have been added and promoted with scroll W02- 23 that was published with a DOR and effective DOR of 31 January 2023. As a result, the Board determined there was sufficient evidence to warrant partial relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XX	XX	XX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant 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 her date of rank to CW3 to reflect an effective date of 31 January 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 further relief than what is stated 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. Army Regulation 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers) in effect at the time provides policy for selecting and promoting commissioned officers of both the Army National Guard of the United States (ARNGUS) and the U.S. Army Reserve (USAR), and warrant officers of the USAR. Paragraph 4-21 (Effective Dates) provides that AGR Officers selected by a mandatory board will be promoted provided they are assigned/attached to a position in the higher grade. An AGR officer who is selected for promotion by a mandatory promotion board, but who is not assigned/attached to a position in the higher grade will be promoted on the date of assignment/attachment to a higher graded position or the day after release from AGR status.

a. The DOR of rank will be the date the officer attained maximum TIG or the date on which assigned/attached to a position in the higher grade, whichever is earlier. If an officer selected by a mandatory promotion board has a maximum TIG date that is before the approval date of the board, the officer's promotion date and effective date will be no earlier than the date of approval of the mandatory board by which recommended or the date of Senate confirmation.

b. Table 2-3 (Warrant Officer Time in Grade and Military Education Requirements) provides that the maximum TIG for promotion from CW2 to CW3 and CW3 to CW4 is 6-years.

2. Department of Defense Instructions 1310.01 (Rank and Seniority of Commissioned Officers) states the Secretary of the Military Department concerned may adjust the DOR of an officer, except a general or flag officer, appointed to a higher grade under Title 10, U.S.C Sections 624(a) or 14308(a) if the appointment of that officer to the higher grade is delayed by unusual circumstances. The Secretary of the Military Department concerned must determine that the unusual circumstance caused an unintended delay in processing or approval of the selection board report or promotion list in order for an officer's DOR to be adjusted.

3. Title 10, U.S.C, Section 14308 (Promotions: How Made) subparagraph f. (Effective Date of Promotion After Federal Recognition) provides that 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 or 310 of Title 32 shall be the date on which such Federal recognition in that grade is so extended. 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 office in the event of State promotion with an effective date before 1 January 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.

//NOTHING FOLLOWS//