

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2025

DOCKET NUMBER: AR20240008621

APPLICANT REQUESTS: promotion to the rank/grade of sergeant (SGT)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings), 12 June 2024 – determined to be physically unfit for continued military service; recommended for permanent disability retirement with a 50 percent disability rating
- DD Form 215 (Correction to DD Form 214 Certificate of Release or Discharge from Active Duty), 4 January 2024 – changing the applicant's first and middle name to reflect [REDACTED] rather than [REDACTED]
- Certificate – completion of the Basic Leader Course on 24 April 2018
- Certificate of Training – completion of Structured Self-Development – Level I on 26 March 2017
- Orders Number D-04-209976, 12 April 2022 – discharging the applicant at the rank/grade of specialist (SPC)/E-4 effective 12 April 2022 in accordance with Army Regulation 135-178 (Enlisted Administrative Separations)
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 8 April 2020 – service in the Army National Guard (ARNG) from 9 April 2014 - 8 April 2020; transferred into the U.S. Army Reserve Control Group (Annual Training) at the rank of SPC

FACTS:

1. The applicant states in pertinent part that:

- She was eligible for promotion to SGT prior to being medically discharged
- She completed all required schools and had the necessary points to be promoted
- She was unable to reenlist due to mental health issues which impacted her promotion eligibility

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

- On 9 April 2014 – the applicant enlisted in the ARNG for 8 years (6 year service obligation in the ARNG and 2 years in the Reserve) with duty as a 92A (Automated Logistical Specialist)
- Advanced to SPC/E-4 effective on with a Date of Rank of 9 April 2016
- On 24 April 2018 – the applicant completed the Basic Leader Course
- On 8 April 2020 – the applicant was honorably released from the ARNG and transferred into the U.S. Army Reserve (USAR) Control Group (Annual Training) at the rank of SPC due to reaching her expiration term of service date; NGB Form 22 reflects the rank of SPC with a 9 April 2016 DOR
- On 5 May 2020 (Orders Number 372818) – transferred the applicant into the USAR Control Group (Individual Ready Reserve), effective 9 April 2020 at the rank of SPC
- On 12 April 2022 (Orders Number D-04-209976) – honorably discharged the applicant from the USAR, effective 12 April 2022, at the rank of SPC
- On 19 April 2024 (Docket Number AR20230007632) – the Board granted relief and referred her case to the Disability Evaluation System to be properly evaluated
- On 15 July 2024 (Orders Number D-04-209976R) – revoked Orders Number D-04-209976 wherein the applicant was previously discharged from the USAR
- On 16 July 2024 (Orders Number D 198-6) – permanently medically retired the applicant at the rank of SPC, effective 12 April 2022

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board determined although the applicant's orders discharging her from the USAR were revoked by action in Docket Number AR20230007632 and she was returned to the USAR for processing in the Disability Evaluation System, when she was ultimately discharged in the rank of SPC she was not promotable and does not provide documentary evidence to the contrary.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

4/16/2025

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 (AR) 600-8-19 (Enlisted Promotions and Reductions) prescribes policies and procedures governing promotions and reductions of Army enlisted personnel.
 - a. Paragraph 1-21 (Promotion of Soldiers in the Disability Evaluation System) provides that Soldiers in the Disability Evaluation System (DES) process who are pending a medical fitness determination (referral to a medical evaluation board under AR 40-400, or physical evaluation board under AR 635-40) remain otherwise eligible for promotion consideration, selection, and pin-on. The issuance of a permanent profile of "3" or "4" alone will not be used as the sole basis for determining PMOS disqualification. No Soldier who is in the DES process will lose his or her promotable status solely because a promotion list expires prior to a vacancy for promotion becoming available. Per the provisions of 10 USC 1372, Soldiers on a promotion list who are retired for physical disability (10 USC 1201 or 1204) or who are placed on the temporary disability retired list (TDRL) (10 USC 1202 or 1205) at the time of retirement for disability will be retired for disability at the promotion list grade. The Soldier will be promoted effective the day before placement on the retired list or TDRL regardless of cutoff scores, sequence numbers, or position availability. In all cases, the Soldier must otherwise be eligible for promotion in accordance with paragraph 1-11 (the Noncommissioned Officer Professional Development System requirements in paragraph 1-29 are waived).
 - b. Chapter 6 (Promotion of Individual Ready Reserve, Individual Mobilization Augmentee, and Standby Reserve (Active Status List) Soldiers) prescribes policy and procedures for the promotion of IRR, IMA, or Standby Reserve (active status list) Soldiers. To be promoted to PV2 through SSG, a Soldier must meet the eligibility requirements listed below as of the effective date of the promotion:
 - Soldier must be assigned to the IRR, the Standby Reserve (active status list)
 - Soldier must be in a promotable status
 - Soldier must have earned a minimum of 50 retirement points as a member of the IRR, IMA, or Standby Reserve (active status list) on the retirement year ending date immediately preceding 12 months prior to the board convening date
 - Soldier is considered to be physically qualified for promotion if he or she meets the retention medical fitness standards
 - Completed 8 months time in grade as a SPC and 36 months time in service
 - c. Paragraph 7-4 (Non-Promotable Status) provides that a Soldier is in a non-promotable status and will not be selected, promoted, advanced, appointed to a higher rank, or laterally appointed to CPL, 1SG, or CSM when:

- they are ineligible for immediate reenlistment or extension of enlistment
- their current enlistment contract has expired
- is involuntarily extended for any reason

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//