

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 September 2025

DOCKET NUMBER: AR20240008707

APPLICANT REQUESTS: correction to his date of rank (DOR) to the grade of captain (CPT) to show he was promoted in December 2017.

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

- DD Form 149 (Application for Correction of Military Record)
- Promotion Packet to include the following documents:
 - Memorandum, SUBJECT: Recommendation for Promotion of an Officer, dated 19 June 2018, showing he was recommended for promotion by his command
 - DA Form 1059 (Service School Academic Evaluation Report), dated 7 September 2017 to be addressed in the service record below
 - Medical Readiness sheet showing he was in good standing with medical requirements
 - Personnel Qualification Record – Officers/Warrant Officers showing his effective DOR to the grade of 1LT, effective 15 March 2017
- Email correspondence showing the timeline for his commission and grade, acknowledgement of the delay of his promotion due to background security clearance delay, and referral to the ABCMR for assistance with his DOR to the grade of CPT
- 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)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in pertinent part:

- His promotion to CPT was delayed approximately 2 years due to administrative delays with his security packet
- He was assessed as a first lieutenant (1LT) with the Judge Advocate General (JAG) Corps on 15 March 2017 and promoted to CPT on 10 January 2020
- Typically, the promotion timeline for a JAG officer from 1LT to CPT is between 2 to 3 months after completing Judge Advocate Officer Basic Course (JAOBC)
- He completed JABOC in September 2017

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

- Having prior enlisted service in the Regular Army and in the Army National Guard, on 15 March 2017, he accepted a Reserve commission in the grade of 1LT and executed an oath of office. In conjunction, he accepted commission with the Arizona Army National Guard (AZARNG) in the grade of 1LT and executed an oath of office
- Orders Number 080-615, dated 21 March 2017 was issued appointing him as a 1LT in the Army National Guard in the Judge Advocate Branch with a retroactive effective date of 15 March 2017
- On 26 July 2017, a Memorandum, SUBJECT: Appointment as a Reserve Commissioned Officer of the Army was issued with a retroactive effective date of 15 March 2017. In conjunction, Special Orders Number 150 was issued for Federal recognition of his initial appointment in the Army National Guard in the grade of 1LT
- DA Form 1059, covering the period of 26 June 2017 to 7 September 2017, shows he successfully completed JAOBC
- Special Orders Number 14, dated 21 January 2020 was issued for retroactive Federal recognition of his promotion to the grade of CPT effective 9 January 2020
- Special Orders Number 167 AR, dated 21 May 2025 was issued for retroactive Federal recognition of his promotion to the grade of major (MAJ). In conjunction, a Memorandum, SUBJECT: Promotion as a Reserve Commissioned Officer of the Army was issued for retroactive promotion to the grade of MAJ effective 8 May 2025
- He continues service with the AZARNG

4. On 4 September 2025, the National Guard Bureau, Chief, Special Actions Branch provided an advisory opinion recommending approval of the applicant's request stating, in pertinent part:

a. The applicant was assessed as a Judge Advocate General (JAG) officer in the AZARNG as a 1LT with a DOR of 15 March 2017 and promoted to CPT with a current DOR of 10 January 2020. He states the promotion process to CPT had undue delays because of administrative issues with his security clearance.

b. After reviewing his submission and coordination with the AZARNG, he was accessed into the AZARNG with a valid interim security clearance and T3 investigation occurring. National Guard Regulation (NGR) 600-100 requires a favorable security screening for promotion. His unit vacancy promotion packet was uploaded to etracker 20 July 2018, and the interim clearance was not included. NGB's federal recognition branch returned the packet and requested the clearance to be included. The T3 investigation was completed with a favorable adjudication and clearance granted 25 July 2019. He was eligible for promotion when the packet was uploaded to etracker. The packet was delayed due to administrative errors beyond the applicant's control.

c. It is the recommendation of this office that the applicant's request be approved. The promotion packet was administratively delayed through no fault of his own and should be backdated to 20 October 2018 which is in line with processing timelines of when his packet was originally uploaded to etracker.

d. This advisory opinion was coordinated with the AZARNG and National Guard Bureau's Federal Recognition Branch.

5. On 12 September 2025, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found 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's advisory opinion in that the applicant's promotion packet was administratively delayed through no fault of his own and should be backdated to 20 October 2018, which is in line with processing timelines of when his packet was originally uploaded to etracker, but not to December 2017; therefore, determined that partial relief was warranted.

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 his Federal recognition for promotion to CPT/O-3 with an effective date and date of rank of 20 October 2018, 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 amending his date of rank and effective date of rank to December 2017.

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, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 135-155 (Promotion of Commissioned Officer and Warrant Officer Other Than General Officers), in effect at the time prescribes policy and procedures used for selecting and promoting commissioned officers (other than commissioned warrant officers) of the Army National Guard of the United States (ARNGUS) and of commissioned and warrant officers (WO) of the U.S. Army Reserve (USAR). Paragraph 2-9(4)(b) states the credentialing course for JAGC officers is the Judge Advocate (JA) Officer Graduate Course or JA Officer Advance Course for promotion to 1LT or CPT.

3. Army Regulation 600-8-29 (Officer Promotions), Paragraph 4–10 (Grade and active date of rank of other than Regular Army Judge Advocate General's Corps officers upon placement on the active duty list) states:

a. The grade and ADOR upon original appointment of a commissioned officer in a Reserve Component assigned to the JAGC will be determined according to AR 135–100 and AR 27–1.

b. A Reserve Component JAGC officer who is ordered to active duty and placed on the ADL will be so placed in his or her current Reserve grade unless appointed to the same or a higher grade in the RA. The provisions of paragraph 4–2c are not applicable to JAGC officers.

c. A 1LT who was originally appointed in that grade and who has 18 months or less service in an active status in that grade immediately prior to being placed on the ADL will be placed on the ADL in the grade of 1LT with an ADOR 18 months prior to the date of placement.

d. A 1LT who was originally appointed in that grade and who has more than 18 months service in an active status in that grade immediately prior to being placed on the ADL will be placed on the ADL in the grade of 1LT with an ADOR calculated by backdating from the date of placement on the ADL by the lesser of the following: (1) The period of service in an active status in the grade of 1LT. (2) The total of any commissioned service credit awarded at the time of the officer's most recent original appointment in the current grade.

e. The ADOR of an officer who is placed on the ADL in his or her current grade of CPT or higher will be the date of placement on the ADL backdated by a period equal to the lesser of paragraphs 4–10e(1) through 4–10e(3): 31 AR 600–8–29 • 9 September 2020

(1) One year for each qualifying year for retirement under 10 USC 12732(a)(2) earned after 1 July 1949 in the grade (without regard to component) in which ordered to active duty and placed on the ADL, or a higher grade (fractional years are not counted), plus all periods of active duty in the military service of the United States, performed in the grade in which ordered to active duty and placed on the ADL or a higher grade. (Active duty performed during a retirement year determined to be a qualifying year may not be credited separately so as to render any period of service susceptible of being counted twice.)

(2) The period by which the EGC awarded upon the most recent original appointment exceeds the JAGC ADL promotion phase point of the grade in which the officer is placed on the ADL.

(3) The total period served in an active status in the current or a higher grade.

f. JAGC officers appointed under the Army General Counsel's Honors Program who either receive a new appointment or are placed on the ADL under this program will have their ADOR determined under the procedures described in this paragraph.

//NOTHING FOLLOWS//