

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240011160

APPLICANT REQUESTS: in effect, promotion to staff sergeant (SSG), and a personal appearance before the Board via video/telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Decision
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings)
- Order D 309-07 Transfer to the Permanent Disability Retired List (PDRL)

FACTS:

1. The applicant states, she was separated due to her physical and mental disability. She believes she was on the promotion list, at the time of her separation.
2. The applicant provides and her service record shows:
  - On 30 September 2005, she enlisted in the Army National Guard (ARNG)
  - On 22 September 2014, orders were published promoting her to sergeant (SGT) effective 22 September 2014
  - On 1 September 2021, the VA completed a Disability Evaluation System proposed rating showing they recommended 100 percent evaluation for PTSD
  - On 30 September 2021, she underwent an Informal PEB Proceedings, which shows she was found physically unfit for duty; the board recommended 100 percent disability and that she be placed on the PDRL
  - On 5 November 2021, orders were published placing her on the PDRL, in the rank of SGT, effective 5 December 2021
  - On 5 December 2021, she was honorably transferred, in the rank of SGT, to the PDRL
3. On 30 June 2025, the Chief, Special Actions Branch, National Guard Bureau (NGB) provided an advisory opinion, which states, in pertinent part:
  - NGB recommended partial approval

- The North Carolina ARNG provided the enlisted promotion list
- She was not on the promotion list at the time the applicant received the signed DA Form 199 nor at the time of her disability retirement
- The North Carolina ARNG listed her as "failure to submit" which resulted in her omission from the enlisted promotion list
- She was on the list that expired on 31 July 2021
- As her DA Form 199 was signed prior to the lists generated on 1 December 2021 and 14 December 2021, there is considerable and reasonable doubt she was aware she should inquire about promotion
- Failure to submit does not negate her eligibility
- Since she appeared on the list prior to signing the DA Form 199, she should be granted partial relief and receive the disability retirement rank of SSG effective 4 December 2021

4. On 1 July 2025, the advisory opinion was provided to the applicant to allow her the opportunity to respond. On 1 July 2025, she thanked the Board for the information and did not see any need to comment or request anything.

#### BOARD DISCUSSION:

1. 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 Chief, Special Actions Branch, NGB advising official recommending relief, and that the applicant be promoted to the rank of SSG effective on 4 December 2021, one day prior to her transfer to the PDRL. The Board agreed there is sufficient evidence to amend her military record to show she was placed on the PDRL in the rank/pay grade of SSG/E-6.


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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XX	XX	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 records of the individual concerned be corrected to reflect the disability retirement grade and rank of SSG/E-6 effective 4 December 2021, the date prior to her transfer to the PDRL.



**X** //SIGNED//

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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.
2. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) provides for the promotion and reduction of enlisted Soldiers. Paragraph 1-20(c) states per the provisions of Title 10, U.S. Code, section 1372, Soldiers on a promotion list at the time of retirement for disability will be retired for disability at the promotion list grade. Further, the Soldier will be promoted to the designated grade effective the day before placement on the retired list.
3. Title 10, USC, section 1372 (Grade on retirement physical disability, members of the Armed Forces), states unless entitled to a higher retired grade under some other provision of law, any member of an armed force who is retired for physical disability under section 1201 or 1204 of this title, or whose name is placed on the temporary disability retired list under section 1202 or 1205 of this title, is entitled to the grade equivalent to the highest of the following:
  - a. The grade or rank in which he is serving on the date when his name is placed on the temporary disability retired list or, if his name was not carried on that list, on the date he is retired.
  - b. The highest temporary grade or rank in which he served satisfactorily, as determined by the Secretary of the armed force from which he is retired.
  - c. The permanent regular or Reserve grade to which he would have been promoted had it not been for the physical disability for which he is retired and which was found to exist as a result of a physical examination.
  - d. The temporary grade to which he would have been promoted had it not been for the physical disability for which he is retired, if eligibility for that promotion was required to be based on cumulative years of service or years of service in grade and the disability was discovered as a result of a physical examination.

//NOTHING FOLLOWS//