

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 August 2025

DOCKET NUMBER: AR20240012724

APPLICANT REQUESTS:

- reconsideration of his earlier request for retroactive promotion to staff sergeant (SSG)/E-6 to 2013
- pay and allowances commensurate with his promotion to SSG/E-6

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

- DD Form 149 (Application for Correction of Military Record), 4 September 2024
- Self-authored Statement, 2024, with his promotion points sheet calculation showing he earned 769 promotion points
- Promotion points calculation data sheets
- Congressional Privacy Act Release Form, 2024
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 5 April 1997 and 29 April 2015, reflecting his active service
- Sergeant Promotion Orders, 7 February 2005
- Noncommissioned Officer Evaluation Reports (NCOER), 2005 through 2014, reflecting fully capable; a marginal NCOER (4 April 2009 to 31 March 2010), an NCOER reflecting profile (30 March 2012 through 29 March 2013), an NCOER reflection profile on 8 January 2013 (20 October 2013 through 31 March 2014)
- Army Board for Correction of Military Records (ABCMR) Docket Number AR20140005180, 2 September 2014
- ABCMR Docket Number AR20230014468, 10 July 2024, letter close as the result of providing no new issues for the Board to consider
- Congressional Response letter, 22 August 2024
- World Wide Web Advanced Leader Course (ALC) points sheet, May 2024, with information about promotion points for a variety of areas
- Military Occupational Specialty (MOS) points information sheet
- MOS points qualification cutoff list, January 2013 reflecting cutoff numbers for MOS 92G

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Numbers AR20140005180 on 2 September 2014.

2. The applicant states he requests a review of his files showing he was eligible for promotion in 2013. If he was not eligible in 2012, that is fine. He was in a promotable status during his 20 years' service. He understands there was a flag in place, but it had been removed and he finally updated his records. He was cleared to leave Korea and returned home. He was not flagged for a fitness test at any time. He had knee surgery and was released on the same day. He went on medical leave and recovered. His unit was deployed to Afghanistan and the rear detachment was slow. He moved to the Fort Campbell Sustainment Brigade and retired. The flag was just a hiccup and removed in Korea. He sent updated resources in his packet and deserves his promotion.

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

a. On 28 August 1991, he enlisted for 3 years beginning at rank private first class.

b. On 5 April 1997, he was honorably released from active duty in the rank of specialist/E-4.

c. On 25 July 2000, he enlisted in the rank/grade of specialist/E-4, and subsequently reenlisted on 2 August 2002 and 2 December 2004.

d. On 1 February 2005, he was promoted to SGT/E-5.

e. On 22 December 2006, he reenlisted at the rank of SGT; he reenlisted on 12 March 2008; reenlisted on 14 May 2010 for 4 years, and he extended on 5 March 2013.

f. On 2 December 2013, the Department of the Army Inspector General (IG) responded to his request to remove an erroneous adverse action flag in his record and to have ALCCC promotion points backdated for promotion to SSG. After consulting with the U.S. Army Human Resources Command (HRC) and their administrative law section, the IG determined there was no regulatory provision to backdate the ALCCC points he earned to the date he was originally scheduled to attend the course.

g. On 11 April 2013, the IG, Department of Defense (DoD), closed his application regarding his allegations of reprisal against his command for withholding a favorable personnel action. The memorandum indicated his allegation of reprisal did not warrant

an investigation because of insufficient evidence to infer a connection between his protected communications and the personnel actions he experienced.

h. On 23 May 2014, HRC provided ARBA an advisory opinion concluding he did not meet the cutoff score during his periods of eligibility for promotion, in response to his issues regarding promotion to SSG. He was at the time still on active duty. It reads, in part, he was:

(1) promotable – 14 May 2011-1 October 2011 (Integrated by the unit);

(2) not promotable – 2 October 2011-5 December 2011 (not recommended by the unit on 2 October 2011);

(3) promotable – 6 December 2011-1 February 2013 (integrated by the unit);

(4) not promotable – 2 February 2013-7 September 2013 (removed due to an expired Army Physical Fitness Test (APFT));

(5) promotable – 8 September 2013-31 January 2014. (integrated by the unit);  
and

(6) currently not promotable – 1 February 2014-present (23 May 2014) (removed due to an expired APFT).

i. On 2 September 2014, the ABCMR denied his request for promotion to SSG, finding:

- the applicant was assigned to attend the April 2012 ALC; however, due to the improper retention of the 2011 FLAG in his ATRRS, his reservation to the course was cancelled
- there is no evidence that the applicant would have completed the ALC on the Commandant's list affording him an additional 11 points
- just completion of ALC with a 90 point credit would not have granted him sufficient points to meet the 2012 promotion point cutoff and the additional courses he took were not completed within this period
- the applicant has not provided, and the record does not contain any medical records or a record of any temporary profiles
- his last recorded APFT was completed on 1 January 2012; this test would have lapsed on 2 January 2013 even if he were on a profile at the time and he was properly shown to have been ineligible for promotion in 2013 and 2014

j. On 29 April 2015, he was retired at the rank of SGT after having completed sufficient service.

k. On 10 July 2024, the ABCMR closed his request for reconsideration of his original request for retroactive promotion to SSG, based upon him not providing any new evidence for the Board to consider.

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. In ABCMR Docket Number AR20140005180, AHRC provided an advisory opinion which stated the applicant did not meet the cutoff score during his period of eligibility for promotion to SSG. By his own admission in response to the advisory opinion the applicant was deemed promotable and non-promotable on multiple occasions ultimately being removed from the SSG promotion list due to an outdated APFT. The Board also noted the applicant provides no evidence to the contrary and the mere completion or graduation of a noncommissioned officer education system course is not enough to justify promotion. Therefore, the Board determined there was no error or injustice.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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 amendment of the ABCMR decision rendered in Docket Number AR20140005180 on 2 September 2014.

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.

REFERENCE:

Army Regulation 600-8-19 (Enlisted Promotions and Reductions), in effect at the time, prescribed policies and procedures governing promotions and reductions of Army enlisted personnel. This regulation includes policy statements, operating tasks, rules in support of operating tasks, and sequential steps of each operating task. It implements Title 10, United States Code, Section 1563. Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

a. Paragraph 1–10. Nonpromotable status. Soldiers (SPC through master sergeant (MSG)) are nonpromotable to a higher rank when one of the following conditions exists:

- within 12 months following a court-martial conviction
- a Soldier is ineligible to reenlist for being absent without leave (AWOL), pending or has an approved administrative separation, pending security clearance eligibility determination when it is required for the Soldier's primary military occupational specialty
- lack of a qualifying Army Physical Fitness Test (APFT)

b. 1–11. Delay of promotion due to suspension of favorable personnel actions for Soldiers on a centralized promotion list. When a delay of promotion occurs because of an imposed Flag, the following rules apply once the final DA Form 268 has been prepared. The Soldier's promotion status will be determined as follows:

(1) If the Flag is lifted with the disposition, case is closed favorably, and he or she would have been promoted while the Flag was in effect, provided otherwise qualified in accordance with paragraph 1–10 and other applicable provisions, he or she will be promoted. Effective date and date of rank (DOR) will be the date the Soldier would otherwise have been promoted.

(2) If the Soldier's final report is closed with "Disciplinary action taken," and he or she would have been promoted while the Flag was in effect, provided otherwise qualified, he or she will be promoted unless action has been initiated to remove the Soldier from the recommended list. Effective date and DOR will be the date following the removal of the suspension of personnel actions.

(3) If the Soldier's final report is closed with "Other" (applies to the Army Body Composition Program, the APFT, and the ASAP), and he or she would have been promoted while the Flag was in effect, provided otherwise qualified, he or she will be promoted. Effective date and DOR will be the effective date of the removal of the suspension of favorable personnel action.

(4) Effective date and DOR stated on a promotion instrument will be the same. The effective date reflected on the promotion instrument will be the effective date used on the grade change (GRCH) transaction unless otherwise specified in this regulation.

c. Paragraph 1-29. Suspension of favorable personnel action. A flag will be initiated on Soldiers not in good standing as prescribed in AR 600–8–2. Field commanders are responsible for initiating a Flag for command initiated removals from an HQDA list. HRC will prepare a DA Form 268 for HQDA initiated removals, when the decision is made to refer a case to the Standby Advisory Board (STAB). Failure to initiate a suspension of favorable personnel action, however, does not invalidate referral of the action to the STAB or subsequent actions relating to the recommendation of removal.

//NOTHING FOLLOWS//