



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7184-99

23 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) BCNR ltr Docket No; 5501-96 of 16 March 1998
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Navy filed enclosure (1) with this Board requesting advancement to CA (E-2) and CN (E-3).

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 February 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. At enclosure (2) is the Board's recommendation to restore Petitioner to active duty, which was approved by the Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs) on 24 April 1998. The Board did not recommend advancement in rate at that time because she had not completed recruit training and there was no evidence she would actually return to active duty. Petitioner was apparently not restored to duty until early 1999. Since then she has completed recruit and rate training and has reported to her first duty station.

d. In her application, she requests advancement to CA on 16 July 1996 and to CN on 16 March 1997. These advancement dates are the date she would have first been eligible if she had been

advanced in due course. A review of enclosure (3) shows that she was shipped to recruit training with the notation that she should be advanced to E-2 or E-3 based on the college credits shown on her college transcripts. These transcripts are not available to the Board.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the Board's action taken in 1998 which found that her separation on 11 December 1995 was improper and directed her reinstatement to active duty as if she had never been separated. Since she has returned to active duty, is serving in a satisfactory manner and has completed the requirements for advancement, the Board concludes that advancement to CN is appropriate.

The Board notes that Petitioner would have been advanced to CA or CN while in recruit training based on her college transcripts. The Board believes that although the college transcripts are not available it is probable that she would have been advanced to CN. Given the circumstances of the case, which includes a delay of almost a year in returning her to active duty, the Board concludes that the most equitable way to correct the record is to show that she enlisted in the Navy on 11 September 1995 as a CN.

RECOMMENDATION:

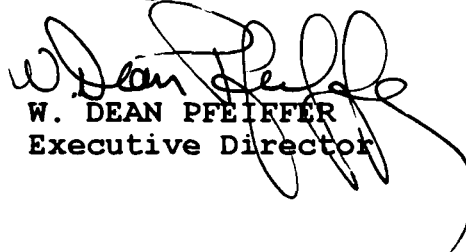
- a. That Petitioner's naval record be corrected to show that she enlisted in the Navy on 11 September 1995 in the rate of CN (E-3).
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


GARY L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director