



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

HD:hd  
Docket No: 08728-98  
19 March 1999

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

Subj: LT [REDACTED], USN, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 15 Dec 98 w/attachment  
(2) NPC-85 memo dtd 2 Mar 99  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by removing his failure of selection for promotion before the Fiscal Year 99 Line Lieutenant Commander Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.

2. The Board, consisting of Mses. Humberd and Moidel and Mr. Lippolis, reviewed Petitioner's allegations of error and injustice on 18 March 1999, 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. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over active duty promotions has commented to the effect that Petitioner's request to remove his failure of selection for promotion should be approved.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.

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 a copy of 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. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
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*  
W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
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5420  
Ser 85/034  
2 Mar 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of LT [REDACTED] request to remove his failure of selection resulting from the FY-99 Active Lieutenant Commander Line Promotion Selection Board. His Performance Summary Report (PSR) cover page as reviewed by the board, was erroneously stamped "SECNAV Approved Resignation." The PSR included evaluations of his performance and was material to the board's decision.
2. [REDACTED] previously submitted a letter of resignation that had been approved. Prior to the FY-99 Lieutenant Commander Line Promotion Selection Board, he submitted a letter of withdrawal of his resignation and received CHNAVPERS approval of his request prior to the board's convening. Due to a delay in processing, a copy of his approved resignation withdrawal letter was not provided to the Promotion Selection Board for consideration.
3. Consequently, an administrative error was made by BUPERS, therefore, recommend removal of his failure of selection from the FY-99 Selection Board ensuring the review of his record as an officer not previously considered before the FY-00 Active Lieutenant Commander Line Promotion Selection Board.
4. Recommend approval of [REDACTED] request.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division