



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 03343-01  
13 July 2001

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

Subj: LT [REDACTED] II, USNR, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 22 Apr 01 w/attachments  
(2) Pers-911 memo dtd 14 Jun 01  
(3) PERS-86 undtd memo  
(4) 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 the applicable naval record be corrected by changing the date of acceptance of his commission as a lieutenant, U. S. Naval Reserve from 22 December 1998 to 2 February 1998, the day after he left active duty; and that his lieutenant date of rank be changed accordingly from 2 February 1997 to 1 June 1996 (the date of rank he originally held in that grade). He also requested a special selection board for the Fiscal Year (FY) 02 Unrestricted Line Lieutenant Commander Selection Board, as he missed consideration by that promotion board.

2. The Board, consisting of Messrs. Tew and McCulloch and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 12 July 2001, 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), PERS-911, the Navy Personnel Command (NPC) office with cognizance over Naval Reserve personnel administration has commented to the effect that Petitioner's request to change the acceptance date of his commission has merit and warrants favorable action. They stated that if his request is approved, they will submit a corrected acceptance and oath of office document and a

corrected statement of service to reflect no break in service, and they will also adjust his pay entry base date.

c. In correspondence attached as enclosure (3), PERS-86, the NPC office with cognizance over Naval Reserve officer promotions and appointments, has agreed with enclosure (2) and commented that if Petitioner's request to change the acceptance date of his commission is approved, they will amend his promotion history record to reflect the date of rank he had when he left active duty, 1 June 1996, and they will request a special selection board for him.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected to show he accepted his commission as a lieutenant, U. S. Naval Reserve on 2 February 1998, vice 22 December 1998.

b. That his anniversary date and pay entry base date be adjusted accordingly.

c. That his naval record be corrected further to show the date of rank on his commission as a lieutenant, U. S. Naval Reserve as 1 June 1996, vice 2 February 1997; and that his lineal precedence be adjusted accordingly.

d. That the Chief of Naval Operations grant Petitioner a special selection board for the FY 02 Unrestricted Line Lieutenant Commander Selection Board.


e. 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.

f. 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.


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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  
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



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

3343-0/

IN REPLY REFER TO  
5420  
Pers-911  
14 Jun 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED] USNR, [REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 8 Jun 01

1. Enclosure (1) is forwarded with the following comments and recommendations concerning [REDACTED] case.
2. Based on the information in [REDACTED]'s petition, we agree that there was an administrative oversight in the processing of his Oath of Office. The separation orders specifically state that [REDACTED] was required to accept a reserve appointment, as he hadn't completed his military service obligation.
3. [REDACTED]'s Oath of Office is currently on file in his permanent record at Navy Personnel Command. We recommend that the date of acceptance on the Oath of Office be changed from 22 December 1998 to 2 February 1998. If [REDACTED]'s request is approved, we will submit a corrected Oath of Office and a corrected statement of service to reflect no break in service. We will also adjust his Pay Entry Base Date to reflect no break in service.
4. Point of contact in this matter is [REDACTED] at DSN [REDACTED] or commercial [REDACTED]

[REDACTED]  
S  
Deputy Director, Naval Reserve  
Personnel Administration Division

3343-01



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-86

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
[REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 03343-01 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] petition be approved.
2. We are in agreement with the PERS-9 advisory opinion that Lieutenant [REDACTED] <sup>as reported</sup> date of rank of 22 December 1998 was incorrect. This error was obviously an administrative oversight and should be corrected to 2 February 1998 to maintain day for day continuity. If Lieutenant [REDACTED] request is approved, PERS-86 will amend his promotion history record to reflect the date of rank he had when he left active duty, [REDACTED] 1996 and request a special selection board for him.

[REDACTED]

Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division