



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

HD:hd
Docket No: 03742-01
29 June 2001

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

Subj: LTJG [REDACTED] JR., USN [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 5 May 01 w/attachments
(2) PERS-85 memo dtd 15 Jun 01
(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 the applicable naval record be corrected to change the acceptance date (effective date for pay) of his original appointment as a limited duty officer (LDO), U. S. Navy, in the grade of lieutenant (junior grade) from 13 March 2001 to 1 October 2000.

2. The Board, consisting of Messrs. McPartlin and Novello and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 28 June 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), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action.

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 naval record be corrected, where appropriate, to show the acceptance date (effective date for pay) of his original appointment as an LDO, U. S. Navy, in the grade of lieutenant (junior grade) as 1 October 2000, vice 13 March 2001.

b. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

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.

Robert D. Zsalmán
for W. DEAN PFEIFFER
Executive Director



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

5420
PERS-85
15 Jun 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LTJG [REDACTED] JR., USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of LTJG [REDACTED] request to backdate his effective date of rank.

2. LTJG [REDACTED]'s date of rank is 1 Oct 00^{H.D}. He was sent an Officer Acceptance and Oath of Office (NAVPERS 1000/4) while on deployment, which he never received. It is apparent that he made several attempts to obtain and sign an oath, yet was unable to until 13 Mar 01. As it is quite possible that the administrative problem occurred within the mail system, recommend to support his request.

3. Recommend that LTJG [REDACTED] effective date of rank be changed to 01 Oct 00.



BCNR Liaison, Officer Promotions
and Enlisted Advancements Division