



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 04142-00

1 September 2000

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

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

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

Encl: (1) DD Form 149 dtd 30 May 00 w/attachments
(2) PERS-86 memo dtd 1 Aug 00
(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 to show he accepted his commission in the Naval Reserve on 31 March or 1 April 2000, to reflect no break in service after he left active duty on 31 March 2000. His current acceptance date is 3 April 2000.

2. The Board, consisting of Messrs. Ensley, Schultz and Swarens, reviewed Petitioner's allegations of error and injustice on 24 August 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. In correspondence attached as enclosure (2), the Navy Personnel Command 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. They note that because of his break in service, he was not considered by the Fiscal Year (FY) 01 Naval Reserve Staff Lieutenant Commander Selection Board. They recommend that his acceptance date be adjusted to 31 March 2000, and that his record go before a special selection board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the advisory opinion at enclosure (2), the Board finds the existence of an injustice warranting correction of Petitioner's record to close his break in service, and his consideration by a special selection board. They find his acceptance date should be corrected to 1 April 2000, the day after his last day of active duty, rather than 31 March 2000, the date recommended in the advisory opinion. In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show he accepted his commission in the Naval Reserve on 1 April 2000, rather than 3 April 2000.
- b. That his anniversary date and pay entry base date be adjusted accordingly.
- c. That he be afforded a special selection board for the FY 01 Naval Reserve Staff Lieutenant Commander Selection Board.
- d. That any material or entries inconsistent with 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.
- e. 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.


W. DEAN PFEIFFER
Executive Director



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NAVY PERSONNEL COMMAND
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4142-00

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PERS-86
AUG - 1 2000

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
LIEUTENANT [REDACTED] USNR [REDACTED] 05

Encl: (1) BCNR File 04142-00 w/Service Record

1. We are returning enclosure (1) with the recommendation that [REDACTED] request to adjust his Reserve affiliation date to 31 March 2000 be approved.

2. [REDACTED] was not considered by the FY-01 Reserve Lieutenant Commander Staff Corps Board due to a three day break in service between his separation from active duty and his reserve affiliation. The discharging PSD and Reserve Recruiter should have informed [REDACTED] the consequences of not immediately affiliating with the Naval Reserve. We further recommend that PERS-854 issues a new acceptance and oath of office and that his record goes before a special selection board.

[REDACTED]
Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division