



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

HD:hd
Docket No: 04707-00
12 October 2000

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

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

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

Encl: (1) DD Form 149 dtd 4 Jul 00 w/attachments
(2) PERS-85M memo dtd 8 Sep 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 the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant commander he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 97 Line Lieutenant Commander Selection Board, vice the FY 98 Line Lieutenant Commander Selection Board. He also impliedly requested removal of his failure of selection before the FY 97 Line Lieutenant Commander Selection Board.

2. The Board, consisting of Messrs. Bishop, Kastner and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 5 October 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 (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. They recommend changing his lieutenant commander date of rank (and by implication, effective date) to 1 July 1997. By this recommendation, they further impliedly recommend removing his failure of selection before the FY 97 Line Lieutenant Commander Selection Board.

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 to show he did not fail of selection by the FY 97 Line Lieutenant Commander Selection Board.

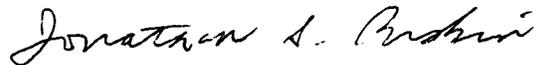
b. That his naval record be further corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant commander as 1 July 1997; and that his lineal precedence be adjusted accordingly.

c. 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.

d. That any material directed to be removed from Petitioner's naval record be returned to this 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
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.



For W. DEAN PFEIFFER
Executive Director



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

5420
PERS-85M
08 Sep 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USN, [REDACTED]

Ref: (a) BCNR ltr 5420 PERS-00ZCB of 10 Aug 00
(b) CNP ltr 1401 Ser 26/125 of 20 May 97

Encl: (1) BCNR File #04707-00

1. Enclosure (1) is returned recommending approval of [REDACTED]'s request to backdate his date of rank commensurate with the date that would have resulted from selection on the FY-97 Active Lieutenant Commander Line Promotion Selection Board.
2. Per reference (a), [REDACTED] request is supported. Per reference (b), he was notified of the approval for a FY-97 Lieutenant Commander Line Special Promotion Selection Board on 20 May 1997. This board was not held due to his selection to LCDR on the FY-98 Active Lieutenant Commander Line Promotion Selection Board that convened on 29 April 1997. It should be assumed that [REDACTED] would also have selected on a FY-97 special board.
3. Recommend his date of rank be backdated to 1 July 1997.

[REDACTED]

BCNR Liaison, Officer Promotions and
Enlisted Advancements Division