



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

HD:hd
Docket No: 08256-00
6 April 2001

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

Subj: CAPT ██████████ CHC, US ██████████
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 27 Nov 00 w/attachments
(2) Memo for Record dtd 4 Apr 01
(3) PERS-85 memo dtd 13 Feb 01
(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 to show the lineal position, date of rank and effective date in the grade of captain she would have been assigned had she been selected for promotion to that grade by the Fiscal Year (FY) 00 Staff Captain Selection Board, vice the FY 01 Staff Captain Selection Board. She further impliedly requested removal of her failure of selection before the FY 00 Staff Captain Selection Board.

2. The Board, consisting of Messrs. Chapman, Shy and Zsalman, reviewed Petitioner's allegations of error and injustice on 5 April 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. Enclosure (2) reflects that PERS-851, the Navy Personnel Command (NPC) office responsible for officer precedence, advised that Petitioner was promoted pursuant to selection by the FY 01 Staff Captain Selection Board with a date of rank and effective date of 1 January 2001; that she failed of selection by the FY 00 Staff Captain Selection Board; and that had she been promoted pursuant to selection by the FY 00 board, she would have been assigned a date of rank and effective date of 1 August 2000.

c. In correspondence attached as enclosure (3), PERS-85, the NPC office with cognizance over active duty officer promotions, has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend adjusting her date of rank (and by implication, effective date) to August 2000, to reflect selection by the FY 00 Staff Captain Selection Board. This impliedly recommends removing her failure of selection by that promotion board.

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, where appropriate, by removing her failure of selection by the FY 00 Staff Captain Selection Board.

b. That Petitioner's record be corrected further to show her date of rank and effective date in the grade of captain as 1 August 2000 vice 1 January 2001; and that her 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 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
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

4 April 2001

MEMO FOR RECORD

Re: Case [REDACTED], CHC, USN, dock [REDACTED]

Today, [REDACTED] PERS-851 advised that [REDACTED] is promoted to captain by the FY 01 Staff Capt Sel Bd with a date of rank/eff date of 1 Jan 01; that she failed of selection by the FY 00 bd; and that had she been selected by the FY 00 bd, she would have received a date of rank/eff date of 1 Aug 00.

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Head, Performance Section



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

5420
Pers 85
13 Feb 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: CAPT [REDACTED] USN, [REDACTED]

Ref: (a) Naval Inspector General ltr of 06 Nov 00

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval.
2. [REDACTED] date of rank to Captain should be adjusted pursuant to the finding of reference (a). It is reasonable to assume that had there been no violation of the precept, CAPT [REDACTED] would have been selected during the FY-00 board.
3. Recommend [REDACTED] date of rank be adjusted to Aug 00.

[REDACTED]

BCNR Liaison, Officer Promotions
And Enlisted Advancements Division