



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

HD:hd
Docket No: 02022-02
21 May 2002

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

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

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

Encl: (1) DD Form 149 dtd 16 Jan 02 w/attachments
(2) PERS-80 memo dtd 23 Apr 02
(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 he would have been assigned had he been promoted to that grade pursuant to his selection by the Fiscal Year (FY) 01 Line Lieutenant Selection Board, vice the special selection board for the FY 02 Staff Lieutenant Selection Board. He specifically requested that his lieutenant date of rank and effective date be changed from 1 October 2001 to 1 July 2001.

2. The Board, consisting of Messrs. Chapman, Pauling and Schultz, reviewed Petitioner's allegations of error and injustice on 16 May 2002, 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. Petitioner was properly not considered by the FY 01 Staff Lieutenant Selection Board, as he did not become a Supply Corps officer until 20 November 2000, after that promotion board had met. He was selected by the FY 01 Line Lieutenant Selection Board, with a projected promotion date of 1 July 2001; however, this selection was nullified by his acceptance of a commission in the Supply Corps. As a result of administrative delay in processing his change from line to staff, he missed consideration by the FY 02 Staff Lieutenant Selection Board. Consequently, he was granted a special selection board for FY

02. The special selection board selected him, and he was promoted to lieutenant with a date of rank and effective date of 1 October 2001.

c. 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. On the basis of Petitioner's selection by the special selection board and his lieutenant (junior grade) date of rank of 6 June 1999, that office recommends that his lieutenant date of rank (and by implication, effective date) be changed to 1 July 2001.

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 his date of rank and effective date in the grade of lieutenant as 1 July 2001, vice 1 October 2001; and that his lineal precedence be adjusted accordingly.

b. 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.

c. 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
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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5420
PERS-80

23 APR 2002

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] SC, USNR [REDACTED]

Encl: (1) BCNR File 02022-02

1. Enclosure (1) is returned, recommending approval of [REDACTED] request to backdate his date of rank.
2. [REDACTED] as originally selected by the FY-02 Active Duty Lieutenant Line Promotion Selection Board. His selection became legally nullified as he was in the process of a designator change from line to staff. Due to the administrative requirements to process this change, there was insufficient time to place him before the regular FY-02 Lieutenant Staff Board.
3. The member was granted and selected by an FY-02 Active Duty Lieutenant Supply Corps Special Promotion Selection Board in September 2001. The results of this board were approved in December 2001. Based upon this selection and his Lieutenant Junior Grade date of rank of 6 June 1999, it is recommend that he be granted a Lieutenant date of rank of 1 July 2001 and all pay and allowances due.

[REDACTED]

Director, Active and Reserve
Officer Career Progression
Division