



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

HD:hd
Docket No: 00294-03
14 October 2003

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

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

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

- Encl: (1) DD Form 149 dtd 15 Dec 02 w/attachments
(2) PERS-80 memo dtd 4 Apr 03
(3) BUMED ltr dtd 3 Sep 03
(4) Memo for Record dtd 8 Oct 03
(5) 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 by adjusting the date of rank on his commission as a lieutenant, Dental Corps, U. S. Naval Reserve to reflect credit for his prior service as an O-3 (captain) in the U. S. Army. His current lieutenant date of rank is 9 May 1998.

2. The Board, consisting of Mses. Davies and Moidel and Mr. Novello, reviewed Petitioner's allegations of error and injustice on 9 October 2003, 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), PERS-80, the Navy Personnel Command office with cognizance over active and reserve officer career progression, concluded that Petitioner should have been commissioned as a lieutenant commander, with a date of rank of 15 April 1998; but they said the Bureau of Medicine and Surgery (BUMED) is the approval authority for entry grade credit.

c. In correspondence attached as enclosure (3), the BUMED office with cognizance over the subject matter of this case concluded that Petitioner was properly commissioned as a lieutenant, but should have been assigned a date of rank of 3 March 1993.

d. In the memorandum for the record at enclosure (4), BUMED advised that PERS-80 agrees with the BUMED advisory opinion, and that the PERS-80 advisory opinion overstated Petitioner's prior inactive service.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (3) and (4), the Board finds an error warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank on his commission as a lieutenant, Dental Corps, U. S. Naval Reserve as 3 March 1993, vice 9 May 1998; 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.

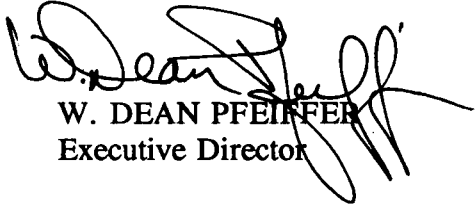
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-80
4 April 2003

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
LT [REDACTED], DC, USN [REDACTED]

Ref: (a) SECNAVINST 1120.13A

Encl: (1) BCNR File 00294-03

1. Forwarded recommending approval. [REDACTED] is requesting to have his date of rank adjusted to reflect his prior service commission time with the Army.
2. Reference (a) states that credit for prior commissioned time (active and /or active status reservist) is ½ year for each year.
3. LT Hernandez has a total of 12 years, 02 months and 28 days as of 96 Aug 08. (6 years, 02 months and 23 days active duty service and 06 years, 05 days inactive duty service). Half of that equals 06 years, 01 month and 14 days entry grade credit. Add his 4 years for dental school and the total entry grade credit is 10 years, 01 month and 14 days. According to reference (a), he should have been commissioned as a LCDR with a date of rank of 15 Apr 98.
4. Recommend this request be sent to BUMED for their comments and recommendations. BUMED is the approval authority for entry grade credits.

[REDACTED]
[REDACTED]
[REDACTED] ONE
Director, Active and Reserve
Officer Career Progression
Division



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO

1120
Ser 131/03-7929
3 Sep 03

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO L [REDACTED], DC, USNR,
[REDACTED]

Ref: (a) SECNAVINST 1120.13A
(b) CONV NAVPERSCOM (PERS-801F) LT Cole/BUMED
(M131) LCDR McDonald of 20 Aug 03

Encl: (1) BCNR Application ICO LT [REDACTED]

1. Enclosure (1) is forwarded recommending changing Lieutenant [REDACTED]'s entry grade credit from four (4) years to nine (9) years, two (2) months, and six (6) days for an entry grade of Lieutenant and a lieutenant date of rank (DOR) of 3 March 1993.

2. Enclosure (1) included a Statement of Service consisting of prior service as an officer. Per reference (b), the calculation of the constructive credit was reviewed. Constructive Credit is as follows:

a. Prior Active Duty Service is six (6) years, two (2) months, and twenty-three (23) days.

b. Prior Inactive Service is four (4) years, one (1) month, and twenty (20) days.

c. Total Commissioned Service other than Dental Corps Officer is ten (10) years, three (3) months, and forty-three (43) days. Per reference (a), one half-year credit is granted for each year. Total time calculated for prior service credit is five (5) years, two (2) months, and six (6) days.

d. Received four (4) years credit for Dental doctorate degree.

e. Total entry grade credit is nine (9) years, two (2) months, and six (6) days.

f. The correct lieutenant DOR based on the recalculated entry grade credit is 3 March 1993.

SEP - 8 2003

Subj: ADVISORY OPINION ICO [REDACTED] EZ, DC, USNR,
[REDACTED]

3. The recalculated lieutenant DOR of 3 March 1993 renders Lieutenant [REDACTED] eligible for a previous Lieutenant Commander Promotion Board.

4. Your point of contact is Lieutenant Commander [REDACTED] M [REDACTED] NC, USNR, who may be re [REDACTED] 202- [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
By direction

8 October 2003

MEMORANDUM FOR RECORD

Re: Case of [REDACTED], DC, USNR [REDACTED]

Today BUMED (I [REDACTED]) advised that she had discussed [REDACTED]'s case with PERS-80, and that they had accepted the conclusions reflected in the BUMED advisory opinion of 3 Sep 03. She said the PERS-80 advisory opinion of 4 Apr 03 overstated LT [REDACTED]'s prior inactive service.



JONATHAN S. RUSKIN
Head, Performance Section