



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

HD:hd
Docket No: 05388-03
7 October 2003

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

Subj: CD [REDACTED] NC, USNR, [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 13 Jun 03
(2) Pers-911 memo dtd 16 Sep 03
(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 she accepted her commission as a lieutenant, in the Nurse Corps of the Naval Reserve on 4 November 1989, vice 9 November 1989.

2. The Board, consisting of Mses. Gilbert and Schnittman and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 2 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), 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.

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 she accepted her commission as a lieutenant in the Nurse Corps of the Naval Reserve on 4 November 1989, vice 9 November 1989; and that her anniversary date and pay entry base date 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
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
W. DEAN PFEIFFER
Executive Director



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

IN REPLY REFER TO
5420
Pers-911
16 Sep 03

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
CDR [REDACTED] USNR-R, [REDACTED]

Ref: (a) Title 10, U.S. Code, Section 14703(b)

Encl: (1) BCNR memo 5420 Pers-00ZCB of 10 Sep 03

1. Enclosure (1) is returned with the recommendation that CDR [REDACTED] petition to adjust her date of acceptance of her commission from 9 November 1989 to 4 November 1989 be approved.
2. CDR [REDACTED] began the process to be commissioned in the Naval Reserve in early 1989 but was not commissioned until 9 November 1989, five days after her 47th birthday. She began drilling in January 1990 and has earned qualifying years of service every year since her commissioning. She recently received an age waiver and was retained in an active status until age 67 because she possesses critical skills needed by the Navy.
3. Per reference (a), a Naval Reserve officer may not be retained in an active status later than the date on which the officer becomes 67 years of age. Accordingly, if CDR [REDACTED] continues to earn qualifying years of service until she reaches age 67, she will still fall five days short of qualifying for a Naval Reserve retirement.
4. Therefore, we feel that the delay in her commissioning as a Naval Reserve officer has resulted in an injustice and her petition to adjust her date of acceptance of her commission to 4 November 1989 be granted.
5. If you have further questions concerning this matter, please contact [REDACTED]

[REDACTED]
Deputy Director, Naval Reserve
Personnel Administration Division