



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

HD:hd
Docket No: 06269-03
24 October 2003

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

Subj: CL [REDACTED] SC, USN, [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 19 Jul 03 w/attachments
(2) Copy of BCNR rept, docket no 5903-02, dtd 4 Nov 02 less encls
(3) PERS-80 memo dtd 5 Sep 03
(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 commander she would have been assigned had she been selected for promotion to that grade by the Fiscal Year (FY) 03 Active Duty Staff Commander Selection Board, vice the FY 04 Active Duty Staff Commander Selection Board. She specifically requested a date of rank and effective date of 1 October 2002. Her current date of rank and effective date are 1 October 2003.

2. The Board, consisting of Messrs. Caron, Schultz and Shy, reviewed Petitioner's allegations of error and injustice on 23 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. Petitioner contends that her record was erroneously presented to the FY 03 Active Duty Line Commander Selection Board, vice the FY 03 Active Duty Staff Commander Selection Board; that a special selection board was granted on account of this error; and that before the special selection board was convened, she was selected by the FY 04 Active Duty Staff Commander Selection Board. In her previous case (copy of Board report at enclosure

(2)), the Board directed correcting her record to show she was commissioned a lieutenant commander in the Supply Corps on 1 February 2002, vice 19 April 2002, so that she should have been eligible to be considered by the FY 03 Active Duty Staff Commander Selection Board; and to show she did not fail of selection by the FY 03 Active Duty Line Commander Selection Board.

c. In correspondence attached as enclosure (3), the Navy Personnel Command office with cognizance over the subject matter of this case has commented to the effect that Petitioner's current request has merit and warrants favorable action. They recommend changing her commander date of rank (and by implication, effective date) to 1 October 2002.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (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, to show her date of rank and effective date in the grade of commander as 1 October 2002, vice 1 October 2003; and that her 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.

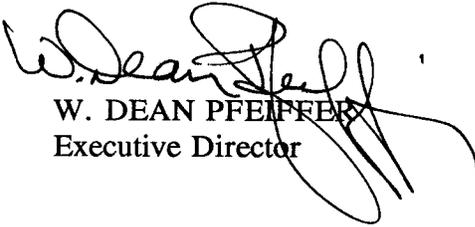
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for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

6269-03



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

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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
LCDR [REDACTED] SC, USN, 1 [REDACTED]

Encl: (1) BCNR File 06269-03

1. Enclosure (1) is returned, recommending approval of [REDACTED] request to backdate her date of rank.
2. [REDACTED] was granted a record correction by BCNR. All administrative and BCNR actions were completed on 1 February 2002.
3. [REDACTED] was selected by the regular FY-04 Active Duty Commander Supply Corps Promotion Selection Board. It is reasonable to consider that had [REDACTED] corrected record gone before the FY-03 selection board she would have been selected. Recommend [REDACTED] be granted the requested 01 Oct 02 date of rank.

[REDACTED]

Director, Active and Reserve
Officer Career Progression
Division