



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

HD:hd
Docket No. 03599-08
15 September 2008

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 27 Mar 08 w/attachments
(2) PERS-911 memo dtd 21 May 08
(3) Subject's e-mail dtd 23 Aug 08 w/attachment
(4) PERS-802 e-mail dtd 3 Sep 08
(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 to show the date of rank on his commission as a lieutenant, U. S. Navy Reserve, as 1 June 2002, vice 11 February 2003; and that the date of rank and effective date of his promotion to lieutenant commander be adjusted from 1 September 2008 to 1 April 2008. He also impliedly requested that the acceptance date of his commission be changed from 11 May 2006 to 2 July 2005.

2. The Board, consisting of Messrs. Hess, Pfeiffer and Zsalman, reviewed Petitioner's allegations of error and injustice on 11 September 2008, 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 (NPC) Reserve Personnel Administration Division commented to the effect that Petitioner's request has merit. They further recommended that a DD Form 215 be issued to correct block 23 ("Type of Separation") on his DD Form 214 ("Certificate of Release or Discharge from Active Duty"), which documents his separation on 1 July 2005, to show "resigned" vice "released from active duty."

c. In enclosure (3), Petitioner advised he had been promoted to lieutenant commander with a date of rank and effective date of 1 September 2008.

d. In enclosure (4), the NPC officer promotion office advised that if Petitioner had not had any break in service, he would have received a lieutenant commander date of rank and effective date of 1 May 2008, rather than 1 April 2008 as Petitioner requested.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (4), the Board finds the existence of an error and injustice warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show he accepted his commission as a lieutenant U. S. Navy Reserve on 2 July 2005, vice 11 May 2006.

b. That his pay entry base date and anniversary date be adjusted accordingly.

c. That his record be corrected further to show the lieutenant date of rank on his commission as 1 June 2002, vice 11 February 2003.

d. That his record be corrected further to show the date of rank and effective date of his promotion to lieutenant commander as 1 May 2008, vice 1 September 2008; and that his lineal precedence be adjusted accordingly.

e. That his record be corrected further by filing a DD Form 215 reflecting that block 23 ("Type of Separation") on his DD

Form 214 documenting his separation on 1 July 2005 should show "resigned" vice "released from active duty."

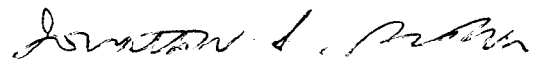
f. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

g. 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.


h. That the remainder of Petitioner's request be denied.

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