



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

HD:hd
Docket No. 04155-09
18 June 2009

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 4 Apr 09 w/attachment
(2) PERS-80 memo dtd 21 May 09

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 he accepted his commission in the Navy Reserve without a break in service. He also requested, in the event he missed the Fiscal Year (FY) 10 Reserve Staff Lieutenant Commander Selection Board because of his break in service, consideration by a special selection board (SSB) for the FY 10 promotion board. That promotion board convened on 10 June 2009, before the Board considered Petitioner's case, so he did miss it. In light of the corrective action indicated below, he may submit his SSB request via the Navy Personnel Command (NPC) interactive webpage.

2. The Board, consisting of Messrs. W. Hicks, Swarens and Washington, reviewed Petitioner's allegations of error and injustice on 18 June 2009, 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, 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. Except as indicated in paragraph 1 above, 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 discharged from the Regular Navy on 28 February 2009. He did not accept his commission in the Navy Reserve until 3 April 2009, creating a break in service.

c. In correspondence attached as enclosure (2), the NPC office with cognizance over the subject matter of Petitioner's case commented to the effect that his request has merit and warrants favorable action, specifically, correction of his record to show he accepted his commission on 1 March 2009.

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 error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show he accepted his commission in the Navy Reserve on 1 March 2009, vice 3 April 2009.

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

c. 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.

d. 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.

5. 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