



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

HD:hd
Docket No. 07807-09
2 November 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 23 Jul 09 w/attachments
(2) PERS-80 memo dtd 26 Aug 09
(3) PERS-802 e-mail dtd 27 Oct 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 she was not retired on 1 June 2009, but continued on active duty after that date; and that she was promoted, pursuant to her selection by the Fiscal Year (FY) 10 Reserve Line Full Time Support (FTS) Lieutenant Commander Selection Board, to the grade of lieutenant commander with a date of rank and effective date of 1 October 2009.

2. The Board, consisting of Messrs. Ivins, Vogt and Zsalman, reviewed Petitioner's allegations of error and injustice on 29 October 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In enclosure (2), the Navy Personnel Command office having cognizance over subject matter of Petitioner's case has commented to the effect the request has merit and warrants favorable action.

c. Enclosure (3) verifies that Petitioner is correct in giving 1 October 2009 as the date of rank and effective date she would have received, had she been promoted pursuant to selection by the FY 10 Reserve Line FTS Lieutenant Commander Selection Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), 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 was not retired on 1 June 2009, but served continuously on active duty after that date; and that she be reinstated to active duty accordingly.

b. That an appropriate administrative memorandum be entered in her fitness report record to cover the period from her retirement to her reinstatement to active duty, for which she received no fitness reports.

c. That her record be corrected further to show she was promoted to lieutenant commander with a date of rank and effective date of 1 October 2009; and that her lineal precedence be adjusted accordingly.

d. That any material or entries relating to 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.

e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. 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.



For W. DEAN PFEIFFER
Executive Director