



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

HD:hd
Docket No. 09767-09
10 January 2010

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 28 Aug 09 w/attachments
(2) BUMED ltr dtd 13 Oct 09 w/enclosure
(3) PERS-80 memo dtd 11 Nov 09
(4) PERS-80 e-mail dtd 4 Jan 10

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 was granted additional entry grade credit for professional experience.

2. The Board, consisting of Ms. LeBlanc and Messrs. Grover and McBride, reviewed Petitioner's allegations of error and injustice on 7 January 2010, 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 enclosures (2) through (4), the Bureau of Medicine and Surgery and Navy Personnel Command offices with cognizance over the subject matter of Petitioner's case have commented to the effect the request has merit and warrants favorable action, specifically, correction of his record to show he was assigned a date of rank of 17 December 2003, rather than 7 May 2004, on his

commission as a lieutenant junior grade in the Medical Service Corps of the Naval Reserve; and further correction to show the date of rank and effective date of his promotion to lieutenant as 1 January 2006, rather than 1 June 2006.

CONCLUSION:

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show the date of rank on his commission as a lieutenant junior grade, Medical Service Corps, Naval Reserve as 17 December 2003, rather than 7 May 2004.

b. That his record be corrected further to show his date of rank and effective date in the grade of lieutenant as 1 January 2006, vice 1 June 2006; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with or 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.

d. 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.


W. DEAN PFEIFFER
Executive Director