



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

JSR
Docket No. 12643-09
7 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 11 Nov 09 w/attachments
(2) HQMC MMOA-3 memo dtd 30 Dec 09
(3) 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 his naval record be corrected to show the acceptance date and date of rank on his commission as a second lieutenant (pay grade O-1) as 5 January 2008, rather than 15 December 2007.

2. The Board, consisting of Ms. LeBlanc and Messrs. Grover and McBride, reviewed Petitioner's allegations of error and injustice on 10 December 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, 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 had status as an OCAN (officer candidate), United States Marine Corps Reserve (USMCR) from 2 June 2007 to the day before he accepted his officer commission.

c. Petitioner was promoted to first lieutenant (pay grade O-2) with a date of rank and effective date of 15 December 2009. With a second lieutenant date of rank of 5 January 2008, he would have been promoted to first lieutenant with a date of rank and effective date of 5 January 2010.

d. In correspondence attached as enclosure (2), the Headquarters Marine Corps office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and paragraphs 3.b and c above, 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 acceptance date and date of rank on his commission as a second lieutenant as 5 January 2008, rather than 15 December 2007. Implementation is to include the following:

(1) Change Petitioner's NAVMC 763, block 5b ("Date of Rank"), from "07 12 15" to "08 01 05."

(2) Make a unit diary correction with the new second lieutenant date of rank effective 5 January 2008.

b. That his record be corrected accordingly to show his date of rank and effective date in the grade of first lieutenant as 5 January 2010, rather than 15 December 2009; and that his lineal precedence also be adjusted accordingly.

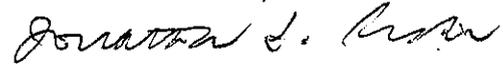
c. That his record be further corrected accordingly to show he served as an OCAN, USMCR from 2 June 2007 to 4 January 2008, rather than 2 June 2007 to 14 December 2007. Implementation is to include changing the NAVMC 763, block 21 ("Prior Service"), line 2, from "USMCR(C) OCAN 07 06 02 07 12 14" to "USMCR(C) OCAN 07 06 02 08 01 04."

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.

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