



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

HD:hd
Docket No. 01876-11
22 July 2011

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 Jan 11 w/attachments
(2) BUMED ltr dtd 26 Apr 11
(3) PERS-831 memo dtd 19 May 11
(4) PERS-831 e-mail dtd 21 Jun 11
(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 she was awarded one year of additional entry grade credit (EGC) for her master of science in public health (MPH) degree, that her date of rank in the grade of lieutenant be adjusted accordingly, and that the date of rank and effective date of her promotion to lieutenant commander be changed from 1 July 2010 to 1 July 2009.

2. The Board, consisting of Messrs. Boyd, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 21 July 2011, 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.

commented to the effect Petitioner's request has merit and warrants favorable action, specifically, correcting her record to show she was awarded one year of EGC for her MPH degree.

c. In enclosures (3) and (4), the Navy Personnel Command office with cognizance over officer promotions has commented to the effect that with the additional one year of EGC, Petitioner's record should be corrected to show that the date of rank on her commission as a lieutenant, Medical Corps, Navy Reserve, was 30 May 2003, rather than 30 May 2004. Regarding her promotion to lieutenant commander, that office recommended changing the date of rank and effective date from 1 July 2010, reflecting selection by the Fiscal Year (FY) 10 Staff Lieutenant Commander Selection Board, to 1 September 2009, reflecting selection by the FY 09 Staff Lieutenant Commander Selection Board, the promotion board for which Petitioner would have been an in-zone eligible, with a corrected lieutenant date of rank. The lieutenant commander date of rank and effective date she would have been assigned, had she been promoted pursuant to selection by the FY 09 promotion board, is 1 September 2009, not 1 July 2009, the date she requested.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2), (3) 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 the date of rank on her commission as a lieutenant, Medical Corps, Navy Reserve as 30 May 2003, rather than 30 May 2004.

b. That her record be corrected further to show her date of rank and effective date in the grade of lieutenant commander as 1 September 2009, rather than 1 July 2010; and that her lineal precedence 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.

e. 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