



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

HD:hd
Docket No. 03972-11
15 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 28 Mar 11 w/attachments
(2) PERS-911C ltr dtd 7 Jun 11
(3) PERS-80 memo dtd 9 Jun 11

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 that he accepted his commission as a lieutenant in the Navy Reserve on 2 September 2008, rather than 1 April 2010, and that the lieutenant date of rank reflected on his commission was 1 June 2006, rather than 20 December 2007. He further requested consideration by the Fiscal Year (FY) 2012 Reserve Line Lieutenant Commander Selection Board on the basis of his corrected date of rank. This promotion board convened on 8 March 2011, before the Board considered his case.

2. The Board, consisting of Ms. Nappo and Messrs. Chapman and Grover, reviewed Petitioner's allegations of error and injustice on 14 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 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. In enclosures (2) and (3), the 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, and that Petitioner may request consideration by a special 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 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 as a lieutenant in the Navy Reserve on 2 September 2008, rather than 1 April 2010.

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

c. That his record be corrected further to show that the lieutenant date of rank reflected on his commission was 1 June 2006, rather than 20 December 2007; and that his lineal precedence be adjusted accordingly.

d. 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.

e. 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