



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

HD:hd
Docket No. 05092-11
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 22 Apr 11 w/attachments
(2) PERS-831 memos dtd 19 May and 23 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 he accepted his commission in the Navy Reserve on 1 March 2009, rather than 3 April 2009. He further requested that the date of rank and effective date of his promotion to lieutenant commander be adjusted to reflect selection by the Fiscal Year (FY) 10 Staff Lieutenant Commander Selection Board, which he missed, rather than the FY 11 Staff Lieutenant Commander Selection Board.
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 enclosure (2), the Navy Personnel Command office with cognizance over the subject matter of Petitioner's case has commented to the effect that the request has merit and warrants favorable action, specifically, changing the acceptance date of his commission

as he requested and changing the date of rank and effective date of his promotion to lieutenant commander from 1 March 2011 to 1 March 2010.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), 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 in the Navy Reserve on 1 March 2009, rather than 3 April 2009.

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

c. That his record be corrected further to show his date of rank and effective date in the grade of lieutenant commander as 1 March 2010, rather than 1 March 2011; 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
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