



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 2209-22  
Ref: Signature Date

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Dear █ :

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 7 March 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Judge Advocate General's Corps Officer Community Manager (BUPERS-316) letter of 21 April 2022, and your response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with SECNAV 1120.5A published on 14 May 1986, (2) Upon appointment in the JAG Corps, a selectee appointed before graduation from law school as a line officer under instruction (designator 1955) shall be awarded one day credit for each day of prior commissioned service performed as a Reserve officer on active duty or in an active status as a member of the Student Program plus constructive service credit computed under paragraph 3a(1).

On 22 November 1996, you signed a Judge Advocate General's Corps Student (1955) Program Service Agreement. Having volunteered for appointment as Ensign, 1955, U.S. Naval Reserve (USNR), in the JAG Corps Student Program you acknowledged that if required, you will attend an extended period of active duty for training in the officer indoctrination course to be convened

between your second and third years of law school and as soon as practicable. Within 12 months of graduation from a law school approved by the American Bar Association and admission to the bar of a Federal court or the highest court of a State of the United States, you will accept a superseding appointment in the JAG Corps Naval Reserve, if such a commission is tendered to you.

On 22 November 1996, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the inactive U.S. Naval Reserve as an Ensign with a date of rank 28 October 1996 with a designator code of 1955 (An Unrestricted Line Officer under instruction as a prospective Judge Advocate General's Corps officer).

On 15 June 1997, you attended Officer Indoctrination School, ██████████. On 25 July 1997, you transferred.

On 9 May 1998, you received a Juris Doctor degree from the University of ██████████.

On 19 October 1998, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active U.S. Naval Reserve as an Lieutenant Junior Grade with a date of rank 22 May 1997 with a designator code of 2505 (A Judge Advocate General Corps Officer).

On 18 December 1998, you took the following oath “that I will faithfully perform the duties of counsel in any courts-martial to which I am detailed as counsel or in which I participate as individual defense counsel.”

On 1 February 2004, Commanding Officer, Naval Special Warfare Center notified you that the President of the United States approved your appointment in the Regular Navy in the permanent grade of Lieutenant, with a date of rank of 2 January 2004.

In accordance with ALNAV 026/16 published on 27 April 2016 announced FY-17 Active Duty Navy Captain Staff Corps Selections. You were listed under the Judge Advocate General’s Corps with a relative seniority number of ██████████ of 14. ██████████ seniority number was 1, ██████████ seniority number was ██████████ and ██████████ seniority number was ██████████

On 1 June 2017, you were appointed to the rank of ██████████

On 5 November 2019, you wrote to the Navy Personnel Command Officer Career Progression Department (PERS-8) that “I respectfully request that my date of rank (DOR) be adjusted to reflect that I am senior on the lineal list to the three Judge Advocate General's Corps (JAGC) officers in my year group who are currently senior to me. I earned more constructive service credit during my time in the Student Program than the other three officers, and I was senior in every other way to all three.

In summary, I respectfully submit that my DOR and lineal number be adjusted so that I am senior to the three judge advocates who are currently senior to me. I base this on the fact that I should have received 6 weeks of constructive service credit for serving at Naval Legal

