



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

BJG
Docket No: 83-01
28 June 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CAPT [REDACTED] USMC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 20 Dec 00 w/attachments
(2) HQMC MPP memo dtd 19 Jun 01
(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 the applicable naval record be corrected to change the acceptance date (effective date for pay) of his original appointment as a limited duty officer (LDO) in the grade of captain from 4 December 2000 to 1 November 2000.

2. The Board, consisting of Messrs. Ensley, Pfeiffer and Taylor, reviewed Petitioner's allegations of error and injustice on , 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. 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), the Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the acceptance date (effective date for pay) of his original appointment as an LDO in the grade of captain as 1 November 2000, vice 4 December 2000.


b. 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.

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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

48-2-01
IN REPLY REFER TO:
1412
MPP
19 Jun 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Route Sheet of 30 May 01

1. Per reference (a), Manpower Plans Division reviewed Captain [REDACTED]'s request for an effective back date of rank of 001101 and all pay and allowances paid once the correction is complete.

2. Captain [REDACTED] was selected for appointment to limited duty officer (LDO) on the FY01 LDO Selection Board. Chief warrant officers selected to LDO are appointed as vacancies occur in the LDO MOS for which they were selected. Captain [REDACTED] projected appointment date to the grade of captain was 010101. This was an incorrect projection. Captain [REDACTED] should have been appointed on 001101.

3. In late November, Officer Plans (MPP-35) detected the error and coordinated with Marine Corps Recruiting Command (MCRC), Officer Appointments (OA) to send Captain [REDACTED] his appointment package with a date of rank of 001101. The appointment package was received, executed, and returned to MCRC by Captain [REDACTED]'s command, however, the original signed NAVMC 763 was received and reported with an effective date of 001204. Thus, pay and allowances did not start until 001204.

4. This error was not due to Captain [REDACTED] actions, therefore, it is MP Division's opinion that Captain [REDACTED] effective date of rank reflect 001101 and that he receive payment of all pay and allowances due with this effective date of rank.

5. Point of contact is [REDACTED] M: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By Direction