



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 4119-00

30 August 2000

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

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

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

Encl: (1) DD Form 149 dtd 7 Nov 97
and Subject's ltr dtd 3 Jun 00
(2) HQMC MMOA-4 memo dtd 26 Jul 00
(3) HQMC MMPR memo dtd 14 Aug 00 w/encl
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed an application at enclosure (1) with this Board requesting that his naval record be corrected to show the date of rank and effective date in the grade of captain he would have been assigned had he been selected to that grade by the Fiscal Year (FY) 1997 Reserve Captain Selection Board, vice the FY 1998 Reserve Captain Selection Board. He later submitted the letter, also at enclosure (1), asking that his case, previously closed at his own request, be reopened. The current date of rank and effective date of his promotion to captain is [REDACTED].

2. The Board, consisting of Messrs. Ensley, Schultz, and Swarens, reviewed Petitioner's allegations of error and injustice on 24 August 2000, 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 (HQMC) Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the 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.

c. In correspondence attached as enclosure (3), the HQMC Officer Promotion Section (MMPR) has commented to the effect that had Petitioner been selected by the FY 1997 Reserve Captain Selection Board, he would have been assigned a date of rank and effective date of [REDACTED] July 1996.

d. Petitioner has been appointed a captain in the Regular Marine Corps. The date of rank on his commission is [REDACTED] July 1997, the date of rank he had as a captain in the Marine Corps Reserve.

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 injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank and effective date on his promotion to captain, Marine Corps Reserve, as [REDACTED] July 1996, vice [REDACTED] July 1997.

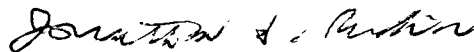
b. That his record be corrected further to show the date of rank of his original appointment as a captain in the Regular Marine Corps as [REDACTED] July 1996, vice [REDACTED] July 1997; and that his lineal precedence be adjusted accordingly.

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.

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.


For W. DEAN PFEIFFER
Executive Director