



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

HD:hd
Docket No: 04799-01
15 October 2001

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

Subj: LCDR [REDACTED], USN [REDACTED]
REVIEW OF NAVAL RECORD [REDACTED]

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

Encl: (1) DD Form 149 dtd 8 Jun 01
(2) PERS-86B memo dtd 17 Aug 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 by removing his failure of selection before the Fiscal Year (FY) 02 Naval Reserve Line Commander Selection Board, so as to be considered by the selection board that next convenes to consider officers of his category for promotion to the grade of commander as an officer who has not failed of selection for promotion to that grade. He further requested that he be granted a special selection board.

2. The Board, consisting of Messrs. Carlsen and Caron and Ms. Suiter, reviewed Petitioner's allegations of error and injustice on 12 October 2001, 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. Enclosure (1) was filed in a timely manner.

c. Petitioner contends that his record as presented to the FY 02 Naval Reserve Line Commander Selection Board was not an accurate or current reflection of his performance as a lieutenant commander, as his most current fitness reports (dated 30 September 2000 and 10 March 2001) were not included.

d. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office having cognizance over reserve officer promotions has recommended that Petitioner's application be approved in full. They stated that the fitness report of 10 March 2001 could not have been considered, as the promotion board in question convened on 5 March 2001. However, they advised that when the report of 30 September 2000 was scanned into the fitness report system, the front page was entered correctly, but the back page belonged to another officer; that this was the same copy that would have been in the system during the board and would have appeared the same; and that with a back page from a different person, the report probably would not have been given to the board. On this basis, they stated they believed that a material error may have existed in Petitioner's record through no fault of his own, and that his record before the promotion board was most likely incomplete.

e. Petitioner's naval record still includes the fitness report at Tab A, whose front page is from his own report for 11 March to 30 September 2000, but whose back page belongs to a different officer. The Board's staff has brought this error to the attention of the NPC office responsible for records control and quality assurance. They indicated they would contact the performance evaluation branch to have the error corrected.

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 record be corrected so that he be considered by the earliest possible selection board convened to consider officers of his category for promotion to commander as an officer who has not failed of selection for promotion to that grade.

b. That Petitioner be granted a special selection board for the FY 02 Naval Reserve Line Commander Selection Board.

c. That any material or entries inconsistent with or relating to 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 any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. 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. The foregoing report of the Board is submitted for your review and action.

W. Dean Pfeiffer
W. DEAN PFEIFFER
[Signature]
12/5/01

Reviewed and approved:

[Signature]
12/5/01

Special selection board for FY 02 Naval Reserve Line Commander Selection Board is approved:

20 DEC 2001

Gordon R. England
Secretary of the Navy

Gordon R. England



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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PERS-86B
AUG 17 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
LIEUTENANT COMMANDER [REDACTED] USNR,
[REDACTED]

Encl: (1) BCNR File 04799-01 w/Service Record

1. We are returning enclosure (1) with the following observations and recommend that Lieutenant Commander [REDACTED] petition be approved.
2. LCDR [REDACTED] requests the removal of the failure of select by the FY-01 Reserve Commander Promotion Selection Board and that he placed before a special selection board. The basis for this request is his claim that his record, as seen by the board, was not an accurate portrayal of his performance. Specifically he claims that his last two fitness reports dated 10 March 2001 and 30 September 2000 were missing from his record.
3. The board could not consider [REDACTED] fitness report of 10 March 2001. The board convened on 06 March 2001 and that fitness report is dated after the board convened. The other report dated 30 September 2000 was not initially in his record. A request was made for that report. The report was part of a reporting senior's batch of fitness reports that had been rejected due to a summary group error. Because the report already existed in the Navy Personnel Command's Automated System and a request had been issued for it, a copy would have been printed for the board's use. Further investigation has revealed that when the report was scanned into the fitness report system, the front page was entered correctly but the back page belonged to a different officer. This was the same copy that would have been in the system during the board and would have appeared the same. With a back page from a different individual that report probably would not have been given to the board. Therefore, we believe that a material error may have existed in Lieutenant Commander [REDACTED] record through no fault of his own.

4. Lieutenant Commander [REDACTED] record was most likely incomplete, as it appeared before the FY-02 Reserve Commander Line Promotion Selection Board. Therefore, he was not properly considered by this board. We recommend that Lieutenant Commander [REDACTED] petition be approved.

[REDACTED]
[REDACTED]
[REDACTED]
Deputy Director, Reserve
Officer Promotions,
Appointments, and Enlisted
Advancement Division