



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

jm

HD:hd
Docket No: 07690-01
19 June 2002

LT [REDACTED] HR

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that your lieutenant date of rank and effective date be changed from 1 October 2001 to 1 April 2001.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 June 2002. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Bureau of Medicine and Surgery, dated 20 November 2001, and the Navy Personnel Command, dated 15 January 2002, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. They were unable to find you were erroneously advised, as you allege, that you would be promoted to lieutenant in April 2001; nor could they find that you reasonably relied on such advice to your detriment. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

7690 01



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO

1120
Ser 522/02-8803
20 Nov 01

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION [REDACTED], USNR,
[REDACTED]

Encl: (1) BCNR Application [REDACTED]

1. Enclosure (1) is forwarded recommending referral of issue to Navy Personnel Command (NAVPERSCOM-802) for resolution.
2. Bureau of Medicine and Surgery (MED-52) calculates entry grade credit at time of accession for initial grade. Lieutenant Junior Grade [REDACTED] accession entry grade credit was correctly calculated at three (3) years with a recommended entry grade of Lieutenant Junior Grade. Subsequent dates of rank are determined by promotion board results and administratively managed by NAVPERSCOM-802.
3. Your point of contact is Comma [REDACTED] NC, USN, who may be reached [REDACTED]

[REDACTED]

By direction



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

P801C/0007

15 JAN 2001

AD

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

Encl: (1) BCNR File 07690-01

1. Enclosure (1) is returned, recommending disapproval of LT
request.

2. not on the Active Duty List (ADL) for the
FY-01 Active Duty Lieutenant Staff Selection Promotion Board
held on 15 May 2000. The member came on active duty on 22 June
2000 and was seen before the FY-02 board held on 14 May 2001.
was given the correct date of rank of 1 October 2001.

3. Recommended date of rank remain unchanged.

Deputy Director, Active and
Reserve Officer Career
Progression Division