



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

HD:hd  
Docket No: 07117-00  
8 February 2002

LT [REDACTED] HC USNR  
[REDACTED]  
[REDACTED]

Dear Lieutena [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 be adjusted to make you three years more junior, and that your failure of selection by the Fiscal Year 01 Staff Lieutenant Commander Selection Board be removed.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 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 Navy Personnel Command dated 28 November 2000, 28 June and 30 August 2001, 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 advisory opinion dated 28 June 2001 in concluding your request for date of rank adjustment should be denied. As they found insufficient grounds to adjust your date of rank, they had no basis to remove your failure of selection for promotion. 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



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

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Pers 85  
28 Nov 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED], CHC, USN, [REDACTED]

Ref: (a) SECNAVINST 1420.1A  
(b) Section 741 of title 10, U.S. Code  
(c) SECNAVINST 1427.2B

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED]'s request for a three-year adjustment to his date of rank for LT and removal his failure of selection to LCDR.

2. Per references (b) and (c), the Secretary of the Navy can change a date of rank to a later date effective when the officer is placed on the active-duty list if: 1) the officer has not been on continuous active duty since his original appointment as a reserve commissioned officer, or 2) is transferred from an inactive status to an active status and placed on the active-duty list. *This request must be made and approved prior to making the transition from the Reserve Active Status List to the Active Status List.* [REDACTED] was recalled to active duty in July 1997 - his request for date of rank adjustment needed to be done prior to his recall in 1997.

4. Recommend disapproval of [REDACTED]'s request. PERS-86 should be consulted for additional advisory opinions regarding [REDACTED] reserve service, if needed. [REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division



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

5420  
PERS-86  
JUN 28 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

Ref: (a) Section 742 of Title 10, U.S. Code

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

Encl: (1) BCNR File 07117-00 w/Service Record

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED]'s request for a three-year adjustment to his date of rank.

2. We are in concurrence with PERS-85's advisory opinion that LT [REDACTED] is not eligible for adjusting his date of rank. In accordance with reference (a), an officer is only eligible for date of rank adjustment if he transitioned from an inactive reserve status directly to active duty on the Active Status List or Reserve Active Status List. LT [REDACTED] served continuously as a Selected Reserve of the Ready Reserve since the date of his commission and therefore was never eligible for a date of rank adjustment.

[REDACTED]

Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
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5420  
PERS-86  
AUG 30 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

Ref: (a) Section 742 of Title 10, U.S. Code

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

Encl: (1) BCNR File 07117-00 w/Service Record

1. We believe that an adjusted date of rank would have had a positive impact on Lieutenant [REDACTED]'s chances for promotion. While the ultimate determining factor is his performance as documented on his fitness reports, he clearly did not have the number or the type of tours as his active duty counterparts. Therefore, he was essentially non-competitive with his peers who had more time on active duty prior to the start of the board.

[REDACTED]

Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division