



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

HD:hd  
Docket No: 07857-02  
20 September 2002

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

Subj: LTJG [REDACTED], [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 27 Aug 02  
(2) PERS-80 memo dtd 5 Sep 02  
(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 changing his ensign date of rank to 22 August 1998, his lieutenant junior grade date of rank and effective date to 22 August 2000, and his lieutenant date of rank and effective date to 1 September 2002. The Board did not consider his request to change his ensign date of rank, as the Navy Personnel Command (NPC) has already changed it as he requests. They likewise did not consider his request to change his lieutenant date of rank and effective date, as he has not yet been promoted to that grade; however, as indicated below, they have afforded him special selection board consideration for promotion to lieutenant. If he is promoted by that avenue, he will receive the lieutenant date of rank and effective date he seeks. His current lieutenant junior grade date of rank and effective date is 13 April 2001.

2. The Board, consisting of [REDACTED] and [REDACTED] considered Petitioner's allegations of error and injustice on 19 September 2002, 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 NPC office with cognizance over the subject matter of this case has commented to the effect that all of Petitioner's requests, including those the Board did not consider, should be approved.

c. The Fiscal Year (FY) 02 Staff Lieutenant Selection Board convened on 14 May 2001. The senior officer in the promotion zone had a date of rank of 2 September 1999; the junior in the zone had a date of rank of 1 September 2000 (no below zone eligibility). With Petitioner's current lieutenant junior grade date of rank of 13 April 2001, he was too junior to be eligible for this promotion board, so he was not considered. With the 22 August 2000 date of rank he requests, he would have been eligible for consideration as an officer in the zone. Therefore, correcting his lieutenant junior grade date of rank as he requests would entitle him to consideration by a special selection board for the FY 02 Staff Lieutenant Selection Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and the findings at paragraph 3.c above, 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 his date of rank and effective date in the grade of lieutenant junior grade as 22 August 2000, vice 13 April 2001; and that his lineal precedence be adjusted accordingly.

b. That the Chief of Naval Operations grant Petitioner consideration by a special selection board for the FY 02 Staff Lieutenant Selection Board.

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*  
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

7851-02



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-80

05 SEP 2002

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  
LTJG [REDACTED], SC USN, [REDACTED]

Encl: (1) BCNR File

1. Forwarded, recommending approval.
2. LTJG [REDACTED] original A and O date was issued in error. Member's request to change his A and O date is warranted. In addition, the corresponding changes to his subsequent date of ranks for LTJG and LT are justified. LTJG [REDACTED] should be entitled to any pay and allowances that are entitled with the adjustment of these dates.



Director, Active and Reserve  
Officer Career Progression  
Division [REDACTED]



DEPARTMENT OF THE NAVY  
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7857-02

HD:jsr  
Docket No: 07857-02  
20 November 2002

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

Subj: LTIC [REDACTED] SC [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) BCNR rept in Subject's case dtd 20 Sep 02 less encls

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, applied to this Board requesting, in effect, that the applicable naval record be corrected by changing his lieutenant junior grade date of rank and effective date to 22 August 2000, and his lieutenant date of rank and effective date to 1 September 2002. In their report at enclosure (1), they directed the requested correction of his lieutenant junior grade date of rank and effective date. As he had not yet been promoted to lieutenant, and they found he should have been considered by the Fiscal Year (FY) 02 Staff Lieutenant Selection Board, they further directed that he have a special selection board for the FY 02 Staff Lieutenant Selection Board. However, because he was an FY 03 selectee, he was not eligible for special selection board consideration. As an FY 03 selectee, he is to be promoted to lieutenant with a date of rank and effective date of 1 October 2002.

2. The Board, consisting of Messrs. Adams, Pfeiffer and Zsalman, reviewed Petitioner's allegations of error and injustice on 20 November 2002, 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 enclosure, 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 light of Petitioner's status as an FY 03 lieutenant selectee, the Board finds it probable that he would have been selected by the FY 02 Staff Lieutenant Selection Board, and promoted with a 1 September 2002 date of rank and effective date, had he been considered as he should have been with his corrected lieutenant junior grade date of rank.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the Board's findings at paragraph 3.b above, 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 he was promoted to lieutenant with a date of rank and effective date of 1 September 2002; and that his lineal precedence be adjusted accordingly.

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.

c. 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