



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

HD:hd
Docket No. 06297-11
16 September 2011

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 16 Dec 10 w/attachments
(2) PERS-911C memo dtd 14 Jul 11
(3) PERS-831 memo dtd 29 Jul 11

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 to show that he accepted his commission as a lieutenant in the Navy Reserve on 1 October 2006, rather than 14 November 2007, and that the lieutenant date of rank reflected on his commission was 1 January 2006, rather than 3 February 2007. Finally, he impliedly requested remedial consideration for promotion to lieutenant commander, on the basis that his break in service made him ineligible to be considered.

2. The Board, consisting of Mses. Guill and Siler and Mr. Silberman, reviewed Petitioner's allegations of error and injustice on 15 September 2011, 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 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 enclosures (2) and (3), the Navy Personnel Command (NPC) offices with cognizance over the subject matter of Petitioner's case have commented to the effect that the request has merit and warrants

favorable action, and that Petitioner may submit a request for a special selection board via the NPC website once his record has been corrected.

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 error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show he accepted his commission as a lieutenant in the Navy Reserve on 1 October 2006, rather than 14 November 2007.

b. That his anniversary date and pay entry base date be adjusted accordingly.

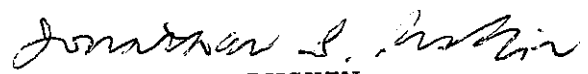
c. That his record be corrected further to show that the lieutenant date reflected on his commission was 1 January 2006, rather than 3 February 2007; and that his lineal precedence be adjusted accordingly.

d. 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.

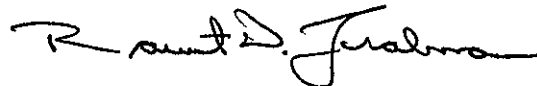
e. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for 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