



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

WJH
Docket: 11339-10
7 April 2011

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) HQMC ltr 1600 RCT of 23 Nov 10
(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 to nullify his transfer to the Inactive Status list, to receive additional participation points, to remove a failure to select and to convene a special selection board.

2. The Board, consisting of Messrs. Pfeiffer, Exnicios and George reviewed Petitioner's allegations of error and injustice on 30 March 2011 and, pursuant to its regulations, determined that only the partial 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. The Board also considered enclosure (2) an the applicants reply of 1 Feb 2011. The Board members also considered your request for a personal appearance, however it found that the issues in the case were adequately documented and that a personal appearance would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance has been denied.

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. Petitioner was transferred to the Inactive Status List (ISL) on 22 Dec 2006. He was returned to the Individual Ready Reserve (IRR) on 4 June 2008.

c. During the gap, he enrolled in the Command and Staff College Distance Education Program.

d. Petitioner also failed to select for 05 by the 2010 promotion Board.

e. In correspondence attached as enclosure (2), the office having cognizance over these matters commented to the effect that partial relief is warranted extending only to adjusting the record to allow points for participation in the Command and Staff College Distance Education Program.

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 partial corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:


a. Petitioner was returned to the IRR on 24 October 2007 vice 4 June 2008. His anniversary date will be adjusted and he will be credited with the appropriate number of points for participation in the Command and Staff College Distance Education Program.

b. So much of Petitioner's request for corrective action as exceeds the foregoing be denied for the reasons stated in enclosure (2).

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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 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


WILLIAM J. HESS, III
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.

7 April 2011


W. DEAN PFEIFFER
Executive Director