



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

HD:hd
Docket No. 10082-10
14 January 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 8 Sep 10 w/attachments
(2) PERS-80 memo dtd 4 Oct 10
(3) PERS-831 memo dtd 7 Dec 10

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 she accepted her commission in the Navy Reserve with no break in service, and that the lieutenant date of rank on her commission was 20 April 2005, rather than 3 January 2007.

2. The Board, consisting of Messrs. Chapman, Dunn and Ivins, reviewed Petitioner's allegations of error and injustice on 13 January 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 correspondence attached as enclosures (2) and (3), the Navy Personnel Command offices with cognizance over the subject matter of this case have commented to the effect the request has merit and warrant favorable action, specifically, showing Petitioner accepted her Navy Reserve commission on 18 August 2008, rather than 18 May 2010; and that her commission reflected a date of rank of

20 April 2005, rather than 3 January 2007.

c. Petitioner was discharged from the Regular Navy on 31 August 2008.

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 requested relief. Contrary to the advisory opinions, the Board finds the acceptance date of Petitioner's commission should be changed to 1 September 2008, the day after her discharge from the Regular Navy, rather than 18 August 2008. In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show she accepted her commission in the Navy Reserve on 1 September 2008, rather than 18 May 2010.

b. That her record be corrected further to show the lieutenant date of rank on her commission as 20 April 2005, rather than 3 January 2007; and that her lineal precedence be adjusted accordingly.

c. That her anniversary date and pay entry base date be adjusted accordingly.

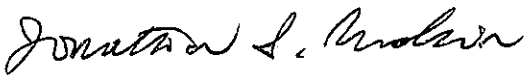
d. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.


W. DEAN PFEIFFER
Executive Director