



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 6551-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, USN,  
█

Ref: (a) 10 U.S.C. § 1552  
(b) SECNAVINST 1520.7F

Encl: (1) DD Form 149 w/enclosures  
(2) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, May 15  
(3) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, Jun 16  
(4) Advisory Opinion by PERS-44, 11 Jul 24

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting correction of his record to reflect the appropriate date for his designator change from 1950 to 2500.

Additionally, Petitioner requests his failure of selection (FOS) by the Fiscal Year 2019 (FY19) Active Duty Lieutenant Commander (LCDR) Staff Corps Promotion Selection Board (PSB) be removed and “whatever relief the Board deems appropriate and within its authority” be granted to correct the injustice imposed upon him.

2. The Board, consisting of █, █, and █ reviewed Petitioner’s allegations of error and injustice on 22 August 2024, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner’s naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner’s allegations of error and injustice, found as follows:

a. Petitioner commenced law school in 2015 as part of the Navy’s Law Education Program, and his designator was changed to 1950 (Prospective Judge Advocate) in May of 2015 after execution of enclosure (2), Officer Appointment Acceptance and Oath of Office, NAVPERS 1000/4.

b. In June 2016, while still a law student, Petitioner signed enclosure (3) accepting his appointment as a 2500 (Judge Advocate General (JAG) Corps)) Lieutenant.

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

c. On 15 May 2018, the FY19 Active Duty LCDR Staff Corps PSB convened and considered Petitioner's record. He failed to select. Enclosure (4).

d. On 21 May 2018, Petitioner graduated from Boston College Law School. Enclosure (1).

e. On 21 May 2018, the FY19 Active Duty LCDR Line PSB convened but Petitioner was not eligible for consideration due to his 2500 designator. Enclosure (4).

f. On 30 November 2018, Petitioner was admitted to the Massachusetts Bar. Enclosure (1).

g. Petitioner contends his June 2016 designator change to 2500 was erroneous and contrary to Navy policy. Specifically, per reference (b), he contends he should not have been designated as a 2500 until successful completion of law school and admission to the practice of law. Additionally, Petitioner contends the error had two prejudicial impacts: 1) He was legally ineligible for, incorrectly considered by, and failed to select for promotion by the FY19 Active Duty LCDR Staff Corps PSB and 2) He was incorrectly removed from the eligibility list for the FY19 Active Duty LCDR Line PSB. Enclosure (1).

h. Navy Personnel Command, Division Director, Restricted Line/Staff Corps Officer Career Management (PERS 44) provided the Advisory Opinion (AO) at enclosure (4) recommending correction of Petitioner's record to reflect the appropriate date for his designator change from 1950 to 2500 and removal of the erroneous FOS by the FY19 Active Duty LCDR Staff Corps PSB. The AO noted Petitioner's June 2016 designator change was an administrative error and contrary to reference (b) which states Law Education Program participants redesignate from Unrestricted Line (1950) to JAG Corps (2500) only when they successfully complete law school and are admitted to practice law. Petitioner was redesignated prematurely in June 2016 vice after he was admitted to practice law in [REDACTED] in November 2018. Further, his June 2016 erroneous designator change resulted in his premature consideration by the FY19 Active Duty LCDR Staff Corps PSB in May 2018. Additionally, since he was inadvertently redesignated to the Staff Corps in 2016, Petitioner was incorrectly removed from the eligibility list for the FY19 Active Duty LCDR Line PSB. The AO noted Petitioner may request a Special Selection Board (SSB) for consideration by the FY19 Active Duty LCDR Line Board as a 1950 but recommended he "consider what effect an SSB may have on his career progression as a 2500 if he were selected for O-4 at an SSB."

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board, substantially concurring with the AO, determined Petitioner's redesignation as a 2500 in June of 2016 was contrary to Navy policy as directed in reference (b). Additionally, the Board determined the error further resulted in his premature consideration and FOS by the FY19 Active Duty LCDR Staff Corps PSB. Based on the evidence and concurring with the AO at enclosure (4), the Board determined Petitioner's record should be corrected to reflect his designation as a 1950 during law school and redesignation as a 2500 on 30 November 2018, the date of his admission to the [REDACTED]

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

Bar. In keeping with that correction, the Board determined the FOS by the FY19 Active Duty LCDR Staff Corps PSB should be removed from his record.

Concurring with the AO's recommendation regarding a FY19 Active Duty LCDR Line SSB, the Board determined it would not grant additional relief in the form of directing Navy Personnel Command convene a SSB but would first allow Petitioner an opportunity to discuss the possible effect selection by a SSB would have on his career progression in the JAG Corps.

#### RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's record be corrected to reflect his designation as a 1950 from the date of enclosure (2) until 30 November 2018, the date of his admission to the Massachusetts Bar, at which time he should be redesignated as a 2500.

Petitioner's record be corrected by removing his FOS by the FY19 Active Duty LCDR Staff Corps PSB.

Any material or entries inconsistent with or relating to 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.

4. 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.

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 Regulation, 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.

9/18/2024

