



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
--WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 00330-99
12 April 1999

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

Subj: LT [REDACTED], NC, USNR, [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 13 Jan 99 w/attachments
(2) CNO(N131M5) memo dtd 31 Mar 99 and
Memo for the Record dtd 7 Apr 99
(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 show the lineal position, date of rank, and effective date in the grade of lieutenant she would have received, had her entry grade credit been correctly assigned. She originally specifically requested a date of rank and effective date of 24 July 1997, but as indicated at paragraph 3.b below, verbally amended her request to 1 August 1997.

2. The Board, consisting of Messrs. Swarens and Zsalman and Ms. Taylor, reviewed Petitioner's allegations of error and injustice on 8 April 1999, 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 at enclosure (2), the Chief of Naval Operations (N131M5) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action, specifically, changing her date of rank and effective date to 1 August 1997. Enclosure (2) also includes a memorandum for the record documenting that she verbally amended her request to that date.

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 corrective action.

RECOMMENDATION:


a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of lieutenant as 1 August 1997; and that her 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.

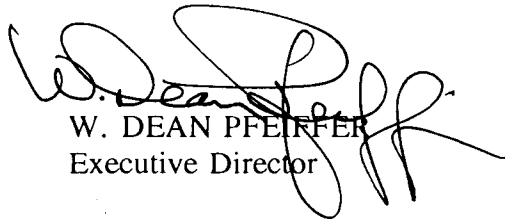
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for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


W. DEAN PFEIFFER
Executive Director

MEMORANDUM

DATE: 31 March 1999

FROM: Nurse Corps Officer Community Manager (N131M5)

TO: BCNR Coordinator (NPC/OOZB)

SUBJ: **ADVISORY OPINION ICO LT [REDACTED] NC, USNR,**
[REDACTED]

1. LT [REDACTED] received a new appointment to LTjg in July 1998, back-dating her date of rank (DOR) to 24 JULY 1995 as a result of the retroactive award of constructive grade credit for military nursing experience while serving as a Technical Nurse Warrant Officer approved by SECNAV in February 1998.
2. Time in grade for promotion to LT is routinely two years. A LTjg with a DOR of 24 JULY 1995, once selected for LT, would normally receive a DOR for LT of 01 AUGUST 1997. Had [REDACTED] received her constructive credit when initially appointed as a Nurse Corps officer, she would have expected to be promoted to LT on 01 AUGUST 1997.
3. The earliest date of rank that may routinely be awarded as a result of selection by a promotion selection board is the date that the board results are released. LT [REDACTED] was selected for LT by the FY99 Staff Corps Lieutenant Promotion Selection Board whose results were released 24 NOVEMBER 1998. She subsequently received that date as her DOR and effective date for LT.
4. Recommend you approve her request to back-date her DOR and effective date for LT to 01 AUGUST 1997.

[REDACTED]

CDR, NC, USN

7 April 1999

MEMORANDUM FOR THE RECORD

Re: Case of LT [REDACTED] NC, USNR, docket no. [REDACTED]

The examiner in this case, M. [REDACTED], informed me this date that [REDACTED] whose application requested a LT date of rank and effective date of 24 July 1997, has verbally indicated she would accept a LT date of rank and effective date of 1 August 1997.

[REDACTED]
JOSEPHIAN S. RUBIN
Head, Performance Section