



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

HD:hd
Docket No: 01084-98
24 May 1999

LT [REDACTED] S MSC USNR
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Bureau of Naval Personnel dated 20 April 1998, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

1084-98



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
5420
Ser 26/110
APR 20 1998

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: L [REDACTED], USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of [REDACTED]'s request to adjust his date of rank 1 ~~September~~^{October} 1997.

2. [REDACTED]'s requests his date of rank for Lieutenant be adjusted to 1 ~~September~~^{October} 1997. At the time of the FY97 Lieutenant Medical Service Corps Promotion Selection Board, [REDACTED] had not been on active duty for one year. Unless an officer requests otherwise, per SECNAVINST 1420.1A who would be considered in or above zone, eligible officers who have not been on active duty for one year prior to the board convening date are automatically deferred. In [REDACTED] initial set of orders, he was advised to contact the Officer Promotions Division concerning promotion issues i.e., consideration by a promotion board. There is no information to indicate that he took any action to determine available options regarding promotion eligibility or waiving right of deferral.

3. Recommend his request to backdate his date of rank be denied.

[REDACTED SIGNATURE]

BCNR Liaison, Officer Promotions
and Enlisted Advancements Division