



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

HD:hd
Docket No: 01316-00
25 February 2000

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

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

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

Encl: (1) DD Form 149 dtd 16 Feb 00
(2) PERS-85 memo undtd
(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 by removal of his failure of selection for promotion before the Fiscal Year (FY) 00 Line Commander Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to commander as an officer who has not failed of selection for promotion to that grade.

2. The Board, consisting of Messrs. Bartlett, Ensley and Frankfurt, reviewed Petitioner's allegations of error and injustice on 25 February 2000, 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. Petitioner contends that his official record was erroneously reviewed by the FY 00 Line Commander Selection Board as above-zone, when it should have been reviewed as above-zone not previously considered.

c. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over active duty promotions has commented to the effect that Petitioner's request to remove his failure of selection for promotion should be approved.

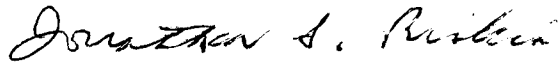
CONCLUSION:

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, so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to commander as an officer who has not failed of selection for promotion to that grade.
 - b. That 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.
 - c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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 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

**DEPARTMENT OF THE NAVY****BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

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Ser 85/


MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of LCDR [REDACTED] request to remove his failure of selection resulting from the FY-00 Active-Duty Line Commander Promotion Selection Board.
2. Result of a PERS-85 internal audit revealed that LC [REDACTED] record was erroneously reviewed as above-zone vice above-zone not previously considered before the FY-00 Active-Duty Line Commander Promotion Selection Board. Consequently, an administrative error was made by BUPERS and his record was reviewed in error.
3. Recommend approval of his request.


BCNR Liaison, Officer Promotions
and Enlisted Advancements Division