



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 4119-00

30 August 2000

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

Subj: CAPT [REDACTED] USM [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 7 Nov 97
and Subject's ltr dtd 3 Jun 00
(2) HQMC MMOA-4 memo dtd 26 Jul 00
(3) HQMC MMPR memo dtd 14 Aug 00 w/encl
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed an application at enclosure (1) with this Board requesting that his naval record be corrected to show the date of rank and effective date in the grade of captain he would have been assigned had he been selected to that grade by the Fiscal Year (FY) 1997 Reserve Captain Selection Board, vice the FY 1998 Reserve Captain Selection Board. He later submitted the letter, also at enclosure (1), asking that his case, previously closed at his own request, be reopened. The current date of rank and effective date of his promotion to captain is 9 July 1997.

2. The Board, consisting of Messrs. Ensley, Schultz, and Swarens, reviewed Petitioner's allegations of error and injustice on 24 August 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. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the 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.

c. In correspondence attached as enclosure (3), the HQMC Officer Promotion Section (MMPR) has commented to the effect that had Petitioner been selected by the FY 1997 Reserve Captain Selection Board, he would have been assigned a date of rank and effective date of 1 July 1996.

d. Petitioner has been appointed a captain in the Regular Marine Corps. The date of rank on his commission is 9 July 1997, the date of rank he had as a captain in the Marine Corps Reserve.

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 injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank and effective date on his promotion to captain, Marine Corps Reserve, as 1 July 1996, vice 9 July 1997.

b. That his record be corrected further to show the date of rank of his original appointment as a captain in the Regular Marine Corps as 1 July 1996, vice 9 July 1997; and that his lineal precedence be adjusted accordingly.

c. 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.


d. 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
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.


For W. DEAN PFEIFFER
Executive Director

4119-00



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1600
MMA-4
26 Jul 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Captain [REDACTED] USMC
of 6 Jul 00.

1. Recommend approval of Captain [REDACTED] request for backdating his date of rank.
2. Per reference (a), we reviewed Capt [REDACTED] record and petition. He was not considered by the FY97 USMCR Captain Selection Board due to an incorrect Unit Diary entry. Subsequently, he was selected by the FY98 USMCR Captain Selection Board and promoted to his present rank on 970709. Capt [REDACTED] requests backdating of his date of rank.
3. Due to an incorrect Unit Diary entry, Captain [REDACTED] was not considered by the FY97 Board. Therefore, we recommend approval of Captain [REDACTED] request for backdating his date of rank.
4. PO [REDACTED]

[REDACTED]

Major, U. S. Marine Corps
Head, Officer Career Counseling
and Evaluation Section
Officer Assignments Branch
Personnel Management Division

4119-00



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1412/2

MMPR

AUG 14 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Route Sheet of 6 Jul 00

Encl: (1) MCTFS Screen D600, pages 1-3

1. Reference (a) requested an advisory opinion in the case of Captain [REDACTED] Captain [REDACTED] requesting a backdate of rank as if he had been selected by the FY97 USMCR Captain Promotion Selection Board.

2. The following facts are germane:

a. Captain [REDACTED] was "separated" from Active-Duty on 951201, which dropped him completely from the Marine Corps. He should have been "released" from Active-Duty and joined to the Reserve Active-Status List. Enclosure (1) shows that his record was subsequently corrected to reflect no broken time.

b. Had the error not occurred, Captain [REDACTED] would have been considered by the FY97 USMCR Captain Promotion Selection Board.

c. Captain [REDACTED] was eligible, as an in zone officer, and selected by the FY98 USMCR Captain Promotion Selection Board.

3. Based on the above analysis, Captain [REDACTED] should be granted a backdate of rank. If granted, his new date of rank will be 960701.

4. The point of contact in this matter is Captain [REDACTED] at [REDACTED]

[REDACTED]
[REDACTED] Promotion

411900

TJFPR600

**** PAY GROUP 600 REMARKS ****

08/10/2000

GMPR1K ENTER NEXT SSN:

ENTER CATG:

SEQ NBR:

10:05:21

SSN: ~~0913991399~~

NAME: ~~XXXXXXXXXXXXXXXXXXXX~~

RUC: 20371

COMPANY CODE: M PRES-GRADE: 03

RECSTAT: 0

COMP CODE: 11

PLT CODE: MG60

TRNGRP:

R-RECSTAT: 9

RCOMP CODE:

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00009	999999	00010	19990908	00000000	11	B:	1-01071-1999-20371-03-0048-19990912	19990912
						E:	1-01071-1999-20371-03-0048-19990912	

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00008	199910	00010	19981229	19990907	C2	B:	4-00105-1998-54824-09-0109-19990103	19990103
						E:	1-01071-1999-20371-03-0048-19990912	

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00007	199910	00129	19980729	19981228	B4	B:	1-00140-1998-36005-16-0022-19980805	19980805
						E:	4-00105-1998-54824-09-0109-19990103	

C O N T I N U E D

PF1 - HELP

PF3 - EXIT TO TRMK MENU

PF12 - LOCAL PRINT

4119-00

TJFPR600

**** PAY GROUP 600 REMARKS ****

08/10/2000

GMPR1K ENTER NEXT SSN: _____ ENTER CATG: _____ SEQ NBR: _____ 10:06:29

SSN: [REDACTED] NAME: [REDACTED]
RUC: 20371 COMPANY CODE: M PRES-GRADE: 03 RECSTAT: 0 COMP CODE: 11
PLT CODE: MG60 TRNGRP: R-RECSTAT: 9 RCOMP CODE:

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00006	199910	00101	19971201	19980728	KA B:	1-00222-1997-14352-00-0020-19971230		
					E:	1-00166-1998-14352-17-0881-19980730		

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00005	199801	00110	19970522	19971130	K7 B:	1-00222-1997-14352-00-0020-19971230		
					E:	8-00222-1997-14352-00-0020-19971230		

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00004	199706	00101	19961130	19970521	KA B:	1-00633-1997-88805-00-0020-19970603		
					E:	8-00633-1997-88805-00-0020-19970603		

***** C O N T I N U E D *****
 PF1 - HELP PF3 - EXIT TO TRMK MENU PF12 - LOCAL PRINT

2/19/00

TJFPR600

**** PAY GROUP 600 REMARKS ****

08/10/2000

GMPR1K ENTER NEXT SSN: _____ ENTER CATG: _____ SEQ NBR: _____ 10:06:44

SSN: [REDACTED] NAM: [REDACTED]
RUC: 20371 COMPANY CODE: M PRES-GRADE: 03 RECSTAT: 0 COMP CODE: 11
PLT CODE: MG60 TRNGRP: R-RECSTAT: 9 RCOMP CODE:

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00003	199612	00110	19951202	19961129	K7 B:	1-00158-1996-14211-00-0020	19961204	
					E:	8-00158-1996-14211-00-0020	19961204	

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00002	199601	00010	19920410	19951201	C1 B:	1-00437-1995-21640-02-0378	19951221	
					E:	8-00437-1995-21640-02-0378	19951221	

SEQ	KILL DATE	PAY CODE	FROM DATE	TO DATE	COMP CODE	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH DATE
00001	199205	00013	19920202	19920409	B:	1-00059-1992-30382-09-0054	19920410	
					E:	8-00059-1992-30382-09-0054	19920410	

***** C O M P L E T E D *****
 PF1 - HELP PF3 - EXIT TO TRMK MENU PF12 - LOCAL PRINT