



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

HD:hd  
Docket No: 04715-01  
8 March 2002

LC[REDACTED] CHC USNR  
[REDACTED]  
[REDACTED]

Dear Commander [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. You requested, in effect that your naval record be corrected to reflect that your commission in the Naval Reserve was based on your having been promoted to major in the Army Reserve with a date of rank of 3 June 1999.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 March 2002. 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 Navy Personnel Command dated 2 August 2001, 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



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-85  
2 Aug 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned with the following observations and the recommendation that [REDACTED] petition be denied.
2. [REDACTED] was not promoted to the grade of Major in the Army Reserve at the time he transferred to the Naval Reserve. Per Title Ten, a member's "select" status cannot be transferred between services; a member transfers with the rank he holds the day prior to the transfer. According to the documentation submitted by [REDACTED] his promotion in the Army was effective on 3 June 1999, 14 days after his transfer to the Naval Reserve. Regretfully, we are unable to recognize his promotion to the O-4 paygrade.
3. In the course of communicating with the Army Reserve regarding [REDACTED]'s promotion history, the Army Reserve discovered two discrepancies in his record. The first was his discharge date was listed as one month after his affiliation with the Naval Reserve. The second was his projected date for promotion to Major. A recalculation of his years of commissioned service revealed that he would not have been eligible for promotion until 3 December 1999 vice 3 June 1999. We recommend [REDACTED] address these discrepancies with the Army Reserve to preclude any confusion that may occur during the remainder of his military career and into retirement.
4. Recommend [REDACTED] request be denied.



BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division