



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

HD:hd
Docket No: 05015-01
15 October 2001

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

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

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

Encl: (1) DD Form 149 dtd 19 Jun 01 w/attachments
(2) Pers-911 memo dtd 20 Aug 01
(3) PERS-86 memo dtd 24 Aug 01
(4) 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 changing the date of acceptance of his commission as a lieutenant, U. S. Naval Reserve from 8 November 1999 to 1 August 1997, the day after he left active duty; and that his lieutenant date of rank be changed accordingly, from 21 July 1998 to 1 June 1996 (the date of rank he originally held in that grade). He also requested that his pay entry base date (PEBD) be adjusted accordingly, to reflect that he has had no break in service. Because of the break in service, he missed consideration by the Fiscal Year (FY) 02 Line Lieutenant Commander Selection Board.
2. The Board, consisting of Messrs. Carlsen and Caron and Ms. Suiter, reviewed Petitioner's allegations of error and injustice on 12 October 2001, 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 Navy Personnel Command (NPC) office with cognizance over Naval Reserve officer status has commented to the effect that Petitioner's request to change the acceptance date of his commission has merit and warrants favorable action. They added that if this request is approved, they will submit a corrected

oath of office and a corrected statement of service to reflect no break in service, and they will adjust his PEBD accordingly.

c. In correspondence attached as enclosure (3), the NPC office with cognizance over Naval Reserve officer promotions has commented to the effect that they agree with the opinion at enclosure (2). They further stated that if Petitioner's request is approved before 1 November 2001, they will ensure he is included on the list of eligibles for the FY 02 Naval Reserve Line Lieutenant Commander Special Selection Board, scheduled to convene on 14 January 2002.

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 to show he accepted his commission as a lieutenant, U. S. Naval Reserve on 1 August 1997, vice 8 November 1999.

b. That his anniversary date and PEBD be adjusted accordingly.

c. That his record be corrected further to show the date of rank on his commission as a lieutenant, U. S. Naval Reserve as 1 June 1996, vice 21 July 1998; and that his lineal precedence be adjusted accordingly.

d. That the Chief of Naval Operations grant Petitioner a special selection board for the FY 02 Naval Reserve Line Lieutenant Commander Selection Board.

e. 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.

f. 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.

Robert D. Zsalmán
For W. DEAN PFEIFFER
Executive Director



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

IN REPLY REFER TO
5420
Pers-911
20 Aug 01

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

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED] USNR [REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 15 Aug 01

1. Enclosure (1) is forwarded with the following comments and recommendations concerning [REDACTED] case.
2. Based on the information in [REDACTED] petition, we agree that there was an administrative oversight in the processing of his Oath of Office. The separation orders specifically state that [REDACTED] was required to accept a reserve appointment because he had not completed his military service obligation.
3. [REDACTED] Oath of Office is currently on file in his permanent record at Navy Personnel Command. We recommend that the date of acceptance on the Oath of Office be changed from 8 November 1999 to 1 August 1997. If [REDACTED] request is approved, we will submit a corrected Oath of Office and a corrected statement of service to reflect no break in service. We will also adjust his Pay Entry Base Date to reflect no break in service.
4. Point of contact in this matter is [REDACTED] at DSN [REDACTED] com [REDACTED]

[REDACTED]

Branch Head, Naval Reserve
Officer Status Branch



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

5420
PERS-86

AUG 24 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
LIEUTENANT [REDACTED] GH, USNR [REDACTED]

Ref: (a) BCNR memo 5420 Pers-911 of 20 Aug 01

Encl: (1) BCNR File 05015-01 w/Service Record

- 1. We are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] petition be approved.
- 2. We are in agreement with the PERS-9 advisory opinion that Lieutenant [REDACTED]'s Acceptance and Oath of Office form dated 8 November 1999 was an administrative oversight. His acceptance of oath should be corrected to 1 August 1997 to maintain day for day continuity. If Lieutenant [REDACTED] request is approved prior to 1 November 2001, PERS-86 will ensure he is included on the list of eligibles for the FY-02 Naval Reserve O-4 Line Special Promotion Selection Board for 14 January 2002.



Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division