



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

HD:hd  
Docket No: 08490-00  
29 June 2001

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 14 Nov 00 w/attachments  
(2) PERS-85 memo dtd 1 Dec 00  
(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 to show the date of rank and effective date of his SPOT promotion to lieutenant commander as 14 March 2000, the date he arrived at the SPOT billet, vice 6 October 2000.

2. The Board, consisting of Messrs. McPartlin and Novello and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 28 June 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 the subject matter of this case has recommended that the date of rank (and by implication, effective date) of Petitioner's SPOT promotion be changed to 27 June 2000, the Senate confirmation date which would have been his date of rank and effective date, had his consideration for SPOT promotion not been delayed.

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 limited corrective action:

RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank and effective date of his SPOT promotion to lieutenant commander as 27 June 2000, vice 6 October 2000.
- b. 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.
- c. 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.
- d. That the remainder of Petitioner's application be denied.

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

8496-00



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PERS-85  
1 DEC 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD OF CORRECTION OF NAVAL RECORDS

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

Subj: LCDR [REDACTED], USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of a date of rank to Lieutenant Commander of 27 June 2000.
2. LCDR [REDACTED]'s nomination for Spot Promotion was approved by his detainer 11 February 2000 and delivered to PERS-85. Due to administrative error, his package was not considered by the FY-00 2<sup>nd</sup> Quarter Spot Promotion Board which met on 18 February 2000. Instead, his package was placed before the FY-00 3<sup>rd</sup> Quarter Spot Promotion Board that met on 26 May 2000 and he was selected for promotion. LCDR [REDACTED] was disadvantaged through no fault of his own and date of rank relief is recommended.
3. Recommend that BCNR approve a date of rank of 27 June 2000 to Lieutenant Commander, the date the FY-00 2<sup>nd</sup> Quarter Spot Promotion Board was Senate confirmed, with back pay as warranted.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division