



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

LCC:lc  
Docket No: 2485-00  
27 February 2001

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

[REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Series of Documents  
(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 Petitioner signed his Officer Appointment Acceptance and Oath of Office on the date he graduated from medical school and that he entered active duty on the date following his graduation from the University of Vermont, College of Medicine, where he was an orthopaedic surgery resident in the Orthopaedic Surgery Residency Program. He had received a Naval Active Duty Deferment (NADD) only until he graduated from orthopaedic residency.

2. The Board, consisting of Messrs. Pfeiffer, Shy, and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 27 February 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. After reviewing the correspondence attached as enclosure (2), the Board concluded that the request has merit and warrants favorable action.

#### 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:**

That Petitioner's naval record be corrected, where appropriate, to show that:

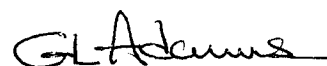
a. Petitioner signed his Officer Appointment Acceptance and Oath of Office on "17 May 1992" vice "17 June 1992". Petitioner's Pay Entry Base Date should be established as 17 May 1992 vice any other date.

b. Petitioner entered into active duty on "1 July 1997" vice "21 July 1992". Petitioner had received a deferment from active only until he graduated from his residency training. He graduated from his orthopaedic residency program with the University of Vermont, College of Medicine on 30 June 1997 and he should have entered active duty on 1 July 1997..

c. That a copy of this Report of Proceedings be filed in 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 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

  
G. L. ADAMS  
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.

27 February 2001

  
W. DEAN PFEIFFER  
Executive Director