



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

HD:hd
Docket No: 02907-02
21 January 2003

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

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

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

Encl: (1) DD Form 149 dtd 26 Feb 01 w/attachments
(2) BUMED ltr dtd 12 Dec 02 w/enclosures

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 he was granted two additional years of entry grade credit when he was commissioned as a lieutenant in the Medical Corps, U. S. Naval Reserve. His current lieutenant date of rank is 21 August 1998.

2. The Board, consisting of Messrs. Caron, Harrison and Swarens, reviewed Petitioner's allegations of error and injustice on 16 January 2003, 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 Chief, Bureau of Medicine and Surgery 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, specifically, adjustment of his lieutenant date of rank to 21 August 1996.

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:

a. That Petitioner's naval record be corrected, where appropriate, to show that when he was commissioned as a lieutenant in the Medical Corps, U. S. Naval Reserve, he was assigned a date of rank of 21 August 1996, vice 21 August 1998; and that his lineal precedence be adjusted accordingly.

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.

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
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



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

2907-02
IN REPLY REFER TO
1120
Ser 131/03-7906
12 Dec 02

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LT [REDACTED] MC [REDACTED]

Ref: (a) SECNAVINST 1120.12A
(b) CONVERSATION BUMED (M09B-MC) CAPT [REDACTED] /BUMED
(M131) CAPT [REDACTED] of 13 Nov 02

Encl: (1) BCNR Application ICO LT [REDACTED]
(2) Advisory Opinion ICO LT [REDACTED] of Jun 02
(3) LT [REDACTED] of 18 Sep 02
(4) Entry Grade Credit Worksheet

1. Enclosures (1) through (4) are forwarded recommending changing Lieutenant [REDACTED]'s entry grade credit to six (6) years and zero (0) months for an entry grade of Lieutenant and a lieutenant date of rank of 21 August 1996. Rescind the previous advisory opinion dated 18 June 2002 regarding entry grade credit for Lieutenant [REDACTED].

2. Enclosure (4) was recommended by the Medical Corps Professional Review Board (PRB) and signed by the Senior Member of the PRB. This document supports Lieutenant [REDACTED]'s request for six (6) years of entry grade credit.

3. Your point of contact is Lieutenant Commander F [REDACTED] NC, USNR, who may be reached at [REDACTED].

[REDACTED]

DEC 18 02



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

2907-02

IN REPLY REFER TO
1120
Ser 522/02-8826
18 Jun 02

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LT [REDACTED] MC, USNR,
[REDACTED]

Encl: (1) BCNR Application ICO [REDACTED]

Ref: (a) SECNAVINST 1120.12A
(b) PHONCON BUMED (MED-00MC) [REDACTED] BUMED
(MED-52) [REDACTED] of 17 Jun 02

1. Enclosure (1) is forwarded recommending Lieutenant [REDACTED] entry grade credit remain four (4) years and zero (0) months for an entry grade of Lieutenant and a lieutenant date of rank of 21 August 1998.

2. Per reference (a), credit for an advanced degree is granted, if the degree is "... in a field listed in enclosure (1) that contributes directly to performance in the primary medical or surgical specialty to which the applicant will be appointed." Per reference (b), Lieutenant [REDACTED] master of education degree (exercise physiology) did NOT contribute directly to his accessioning specialty of residency training for internal medicine.

3. Your point of contact is Captain J [REDACTED], USN, who may be reached at [REDACTED]

[REDACTED]
By direction

18 September 2002

Department of the Navy
Board for Correction of Naval Records

Washington D.C. 20370-5100
ATTN: Board Performance Section

To Whom It May Concern:

This letter is in reference to the application for correction of the naval record [REDACTED]

On 18 September 02, I received your letter dated 26 June 02, postmarked 27 June 02. In this letter was attached the advisory opinion concerning my creditable years of service. Response was to be returned within 30 days, however, the letter was not received until today (18 Sept 02). I therefore ask that you consider my response at this time.

In brief, [REDACTED] advisory opinion is based upon a request for a review of the Master program for consideration of entry grade credit. I extend my apologies to the [REDACTED] necessarily taking her time. As I have indicated in my original petition, as well as in e-mail correspondence with [REDACTED] I am not requesting that this graduate work be considered for credit. This already occurred at the time of my commissioning. It was recognized at that time that my Masters in Exercise Physiology was not on the prescribed list, but after significant discussion of the content of my program, my thesis, and my subsequent teaching, two years of additional creditable service years were granted. Please allow me to emphasize that this was prior to the signing of my commissioning, and was in fact, a significant factor in that decision.

While I realize that [REDACTED] opinion is not binding on the Board, I would like to clarify that my petition is not to request any additional consideration. At the time of my commissioning, the agreement prior to signing was for six years of creditable service.

While it is certainly my understanding that rank is a privilege and not a right, I do respectfully request that my record be corrected to the agreed upon conditions to which I was commissioned, and thus retrospectively be fairly considered for rank within the same time frame and requisites as my colleagues.

[REDACTED]

ENCLOSURE
Correspondence [REDACTED]

**MEDICAL CORPS
ENTRY GRADE CREDIT WORKSHEET
REFERENCE: SECNAVINST 1120.13**

Medical School Grad Date: 18 May 1998

Status: Inactive

Specialty: Internal Medicine - General

Recommended Grade: LT


SubSpecialty/NOBC 16R0T/0102

Creditable Item (Maximum Credit Allowed)	PERIOD		CREDIT GIVEN		
	From	To	Years	Month	Days
1. Intial MD or DO degree.	01/08/1994	18/05/1998	4	0	0
2. Completion of GME (1 year).			0	0	0
3. Completion of AMA/ADA approved residency (1 year for each year).			0	0	0
4. Credit for advanced education in addition to primary specialty training that contributes directly to performance in anticipated duty position based on full time equivalent education of up to 2 years for masters or 3 years for a doctorate in approved fields. A period of time shall be counted only once.			2	0	0
5. Experience as a practicing MD/DO. (1/2 yr for each yr, 3 years max)			0	0	0
6. Special experience related to an authorized primary/surgical specialty. Max credit must be given in para. 5 above before awarding credit. (1 year for each year)			0	0	0
7. Active service as a Medical Officer. (1 year for each year)			0	0	0
8. Active commissioned service other than as a Medical Officer. (1/2 year for each year)			0	0	0
TOTAL SERVICE CREDIT (14 YEARS MAXIMUM)			6	0	0

Date Prepared:



Prepared By: 

Based upon a thorough administrative and professional review of all documents submitted with the application for appointment, 4 years, 0 months, 0 days of entry grade credit is recommended. Contingent upon _____



BUMED 52

SP PRB

Name: 	Signature: 
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