



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

HD:hd
Docket No: 05162-02
26 August 2002

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

Subj: L [REDACTED] CHC, USN [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 2 May 02 w/attachments
(2) PERS-80 memo dtd 6 Aug 02
(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 his date of rank in the grade of lieutenant as 1 August 1996, vice 17 December 1999.

2. The Board, consisting of Messrs. Harrison, Morgan and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 22 August 2002, 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 commented to the effect that Petitioner's request has merit and warrants favorable action.

c. The Fiscal Year (FY) 03 Staff Lieutenant Commander Selection Board convened on 29 April 2002. With Petitioner's current lieutenant date of rank of 17 December 1999, he was not eligible, as the junior eligible had a date of rank of 24 November 1998. With the 1 August 1996 date of rank he requests, he would have been in the zone, as the junior in zone had a date of rank of 7 August 1996, and the senior in zone had a date of rank of 1 March 1996. Therefore, correcting his date of rank as he requests would entitle him to

consideration by a special selection board for the FY 03 Staff Lieutenant Commander Selection Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and the findings at paragraph 3.c above, 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 on 28 October 1999 as a lieutenant, Chaplain Corps, U. S. Naval Reserve, he was assigned a date of rank of 1 August 1996, rather than 17 December 1999; and that his lineal precedence be adjusted accordingly.


b. That the Chief of Naval Operations grant him consideration by a special selection board for the FY 03 Staff Lieutenant Commander Selection Board.

c. 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.

d. 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.


W. DEAN PFEIFFER
Executive Director



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5420

PERS-80

06 AUG 2002

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
[REDACTED], CHC, [REDACTED]

Encl: (1) BCNR File 55162-02

1. Enclosure (1) is returned, recommending approval of LT
[REDACTED] request to backdate his date of rank.

2. [REDACTED] enclosed a copy of his discharge from the Army
National Guard that showed his effective date of rank to O-3 as
01 August 1996. The Officer Appointment Acceptance and Oath of
Office issued on 28 October 1999 incorrectly assigned him a date
of rank of 17 December 1999.

3. Inter-service transfers that remain in the same specialty do
retain their date of rank from the prior service branch.
Recommend I [REDACTED] granted a 1 Aug 1996 date of rank.

[REDACTED]
Deputy Director, Active and
Reserve Officer Career
Progression Division