



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

LCC:ddj  
Docket No: 5585-02  
11 September 2002

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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 advanced when first eligible.
2. The Board, consisting of Messrs. McPartlin, Pfeiffer, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 10 September 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. Petitioner was given Non-Judicial Punishment (NJP) on 5 March 2001 by the Commanding Officer of the USS Rhode Island which reduced the Petitioner to paygrade E-4. Petitioner reported to COMSUBGRU 10 for duty 6 March 2001 and appealed the NJP to the Commanding Officer of COMSUBGRU 10 who then suspended the reduction in grade for six months. A substitute exam for advancement to paygrade E-6 was ordered and Petitioner took the Exam in April 2001 and was a selectee.
  - c. In July 2001 the CO of the USS Rhode Island wrote an evaluation on the Petitioner which ended on 5 March 2001 and withdrew his recommendation for promotion. The Petitioner received an evaluation for the period 6 March 2001 to 5 March 2002 giving him a 4.0 and recommended him for promotion.

d. 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 was advanced to paygrade E-6 effective 16 December 2001.
- b. 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.

11 September 2002

  
W. DEAN PFEIFFER  
Executive Director