



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

HD:hd
Docket No: 05756-02
4 October 2002

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

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

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

Encl: (1) DD Form 149 dtd 4 Jun 02 w/attachments
(2) PERS-80 memo dtd 7 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 adjust her lieutenant date-of rank and effective date from 1 October 2002 to 1 June 2002.

2. The Board, consisting of Messrs. Chapman, Kim and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 3 October 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 properly not considered by the Fiscal Year (FY) 01 Staff Lieutenant Selection Board, as she did not become a Civil Engineer Corps (CEC) officer until 24 January 2002, after that promotion board had met on 14 May 2001. She was considered and selected by the FY 01 Line Lieutenant Selection Board, which met on 25 June 2002. As a result of this selection, she had a projected due course promotion date of 1 June 2002. By message of 28 December 2001 (copy in enclosure (1) at Tab A), she was advised of her selection for appointment to the CEC by the November 2001 Transfer/Redesignation Selection Board. Paragraph 3.B of this message stated "Officers who are promotion selectees should contact their current detailee to discuss redesignation timing." On 24 January 2002, Petitioner accepted redesignation as a CEC officer; this nullified her selection for promotion as a line

officer. She received an FY 03 promotion to lieutenant, CEC, with a date of rank and effective date of 1 October 2002.

c. Petitioner contends she accepted her CEC appointment "...with the understanding that I still would be promoted on 01 Jun 02 to the rank of LT [lieutenant]." She says she later learned that her having accepted her redesignation before her promotion nullified her selection to lieutenant.

d. 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. They recommended changing her date of rank (and by implication, effective date) to 1 June 2002, stating that "Lieutenant selection boards for the year in question had a selection criteria [sic] of All Fully Qualified (AFQ) regardless of the competitive category within the Line or Staff community."

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 requested relief. They recognize that the message of 28 December 2001 advised Petitioner to consult her detailer about the timing of her redesignation; that she does not allege she did this; and that she does not allege anyone advised her erroneously. However, they do not feel she should be penalized for having accepted a staff corps appointment the Navy saw fit to offer her. In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of lieutenant, CEC, as 1 June 2002, vice 1 October 2002; and that her 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.


W. DEAN PFEIFFER
Executive Director



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PERS-80

07 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
L [REDACTED] CEC, USN [REDACTED]

Encl: (1) BCNR File 05756-02

1. Forwarded, recommending approval.
2. Lieutenant selection boards for the year in question had a selection criteria of All Fully Qualified (AFQ) regardless of the competitive category within the Line or Staff community. LTJG [REDACTED] rate of rank should be changed to 1 June 2002. In addition, she should be entitled to any pay and allowances associated with this change.



Director, Active and Reserve
Officer Career Progression
Division