



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

HD:hd
Docket No: 07693-02
13 December 2002

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

Subj: CDR [REDACTED] USN [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 28 Aug 02 w/attachment
(2) PERS-921 memo dtd 25 Nov 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 by changing her commander date of rank to restore her relative seniority in her officer community. Her current date of rank is 1 December 1998.

2. The Board, consisting of Messrs. Grover, Neuschafer and Pauling, reviewed Petitioner's allegations of error and injustice on 12 December 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. They recommend adjusting her date of rank to 1 June 1998.

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 change her commander date of rank from 1 December 1998 to 1 June 1998; 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

1643 02



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
Pers-921
25 Nov 02

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IGO
CDR [REDACTED]

Ref: (a) BCNR Memo 5420 Pers-00ZCB of 25 Oct 02

Encl: (1) BCNR File No. 07693-02

1. We are returning enclosure (1) with the following observations and the recommendation that [REDACTED] petition be supported.

2. CDR [REDACTED] is petitioning for an adjustment to her date of rank and year grouping as it applies to promotion eligibility. The petitioner asserts that she suffered an injustice when the Fleet Support Officer (FSO) Community was detached from the Unrestricted Line (URL) Community in 1995, and then recombined with the URL in 1999. We assert that an injustice may have occurred in that some of the 1100/1105/1107 personnel were reassigned to a position that did not reflect their earlier standing when they were lieutenant commanders. Specifically, 135 FSO Training and Administration of Reserves (TAR) officers were affected in the transitions from and to the URL. It is worthy of note that the billet base for the FSO community caused personnel to be looked at earlier in the 1995-1999 timeframe than their URL counterparts. In fact SECNAVINST 1420.1A addresses flow points for active duty which reserve forces mirror through use of the running mate system. The flow point for commander is 16 years with a variance of + or - one year. The petitioner promoted to commander at the 16-year, 8-month point in keeping with her running mates and within flow point guidelines of SECNAVINST 1420.1A. The projection for her next in-zone eligibility for captain puts her at the 23-year and 6-month mark, which is one year and six months above the notional flow point and not in accordance with SECNAVINST 1420.1A. Therefore, we are of the opinion that to comply with SECNAVINST 1420.1A, her date of rank needs to be adjusted by subtracting six months from her current date of rank of 981201. If the BCNR board finds in favor of the petitioner, her new date of rank should be 980601 with an inactive precedence number of 225284-00. This will put her in zone for the FY-04 Reserve Officer Captain (TAR) selection board which convenes 13 January 2003.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS [REDACTED]

This adjustment in date of rank will not allow [REDACTED] to pass more senior 1107 officers who were reintegrated into the URL Community. She is a year group 82 officer who will bypass only year group 83 URL officers if this recommendation is enacted.

[REDACTED]

Director, Naval Reserve Personnel
Full Time Support, Community Manager
By direction